DOCUMENT RESUME

ED 138 409 RC 009 862

TITLE	Compilation of Federal Laws Authorizing Education Assistance Explicitly for American Indians and Other Native Americans (Legislation as Amended Through December 31, 1975). Committee on Education and Labor, House of Representatives, Committee Print.
INSTITUTION	Congress of the U.S., Washington, D.C. House Committee on Education and Labor.
PUB DATE	Aug 76
NOTE	124p.; Not available in hard copy due to small print size of original document
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	Adult Education; *American Indians; *Educational Legislation; Elementary Secondary Education; *Federal Legislation; *Guides; Higher Education; Post Secondary Education; Specifications; *Synthesis; Tribes
IDENTIFIERS	Legislative Amendments; Native Americans

ABSTRACT

Representing an attempt to compile a current listing of all Federal laws which expressly provide educational assistance or services for American Indians and other Native American children or adults, this document is intended to be a compact guide to the various Federal laws concerning Indian education. Federal legislation included in this compilation is explicitly directed, in whole or in part, to the education of American Indians. The various legislative authorities included in this compilation are broadly organized according to legislation administered within the Department of Health, Education, and Welfare (Indian Education Act: Public Law 92-318, Title IV, as amended; Public Law 874, as amended; Public Law 815, as amended; Elementary and Secondary Education Act: Public Law 89-10, as amended; Education of the Handicapped Act: Public Law 91-230, as amended; National Defense Education Act: Public Law 85-864, as amended; Emergency School Aid Act: Public Law 92-318, as amended; Higher Education Act: Public Law 89-328, as amended; Adult Education Act: Public Law 89-750, Title III as amended) and legislation administered within the Department of the Interior (statute citations concerning education; selected primary United States Code citations concerning education; and additional United States Code citations concerning education). This compilation presents over 100 legislative references, including legislation addressed to specific tribes. (JC)

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[COMMITTEE PRINT]

ED138409

COMPILATION OF FEDERAL LAWS AUTHORIZING EDUCATION ASSISTANCE EXPLICITLY FOR AMERICAN INDIANS AND OTHER NATIVE AMERICANS

(Legislation As Amended Through December 31, 1975)

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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AUGUST 1976

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

U.S. GOVERNMENT PRINTING OFFICE
63-794 WASHINGTON : 1976

RC009862

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CONTENTS

	Page
Introduction	xi
Part I—Legislation administered within the Department of Health, Education, and Welfare:	
Indian Education Act (Public Law 92-318, title IV, as amended):	
Part A—Revision of Impacted Areas program as it relates to Indian children	1
Part B—Special programs and projects to improve educational opportunities for Indian children	6
Part C—Special programs relating to Adult education for Indians	10
Part D—Office of Indian Education	11
Part E—Miscellaneous provisions	13
Public Law 874, 81st Congress, as amended:	
Title I—Financial assistance for local educational agencies in areas affected by Federal activity:	
Section 3(a)—Entitlement for Indian land	15
Title III—Financial Assistance to local educational agencies for the education of Indian children	21
Title IV—General provisions:	
Section 402(d)—Regarding the Bureau of Indian Affairs and Johnson-O'Malley Act	22
Section 403(1)—Definition of Federal property	23
Public Law 815, 81st Congress, as amended:	
Section 14—School construction assistance in other federally affected areas	26
Section 15 (1)—Definition of Federal property	29
Elementary and Secondary Education Act (Public Law 89-10, as amended):	
Title I—Financial assistance to local educational agencies for education of children from low-income families:	
Section 103(a)(1)—Allotment to Department of the Interior	32
Section 103(d)—Uses of allotment	35
Title II—School library resources, textbooks, and other instructional materials:	
Section 202(a)—Allotment to the Department of the Interior	36
Title III—Supplementary educational centers and services; guidance, counseling, and testing:	
Section 302(a)(1)—Allotment to Department of the Interior	37
Title IV—Libraries, learning resources, educational innovation and support:	
Section 402(a)—Allotment to Department of the Interior	39
Title VII—Bilingual education programs:	
Section 722—Indian children in schools	40
Title VIII—General provisions:	
Section 810—Improvement of educational opportunities for Indian children	41
Education of the Handicapped Act (Public Law 91-230, as amended):	
Part B—Assistance for education of all handicapped children:	
Section 611(f)—Allotment to Department of the Interior	41
National Defense Education Act (Public Law 85-864, as amended):	
Title X—Miscellaneous provisions:	
Section 1008—Allotments to territories and possessions	45
Emergency School Aid Act (Public Law 92-318, as amended):	
Section 720(8)—Definition of "local educational agency"	46
Higher Education Act (Public Law 89-329, as amended):	
Title III—Strengthening developing institutions:	
Section 302(a)—Waiver of selected eligibility requirements for selected institutions	48

Part I—Legislation administered within the Department of Health, Education, and Welfare—Continued
Higher Education Act (Public Law 89-329, as amended)—Continued
Title V—Education professions development:
Part A—General provisions: Page
Section 503—Appraising education personnel needs 50
Part B—Attracting and qualifying teachers:
Section 513(c)—Allotment of Teacher Corps members to BIA schools 51
Part D—Improving training opportunities for personnel serving in programs of education other than higher education:
Section 532—Teachers for Indian children 53
Adult Education Act (Public Law 89-750, Title III as amended)
Section 314—Improvement of educational opportunities for adult Indians 54
Part II—Legislation administered within the Department of the Interior:
Subpart A—Statute citations concerning education:
Snyder Act of 1921 (Public Law 85, 67th Congress) 55
Johnson-O'Malley Act (Public Law 167, 73d Congress, as amended) 55
Indian Adult Vocational Education (Public Law 959, 84th Congress, as amended) 57
Navajo Community College Act (Public Law 92-189) 58
Indian Self-Determination and Education Assistance Act (Public Law 93-638) 58
Reorganization Plan No. 3 of 1950 73
Subpart B—Selected primary United States Code citations concerning education:
United States Code, Title 25—Indians:
Chapter 2—Officers of Indian Affairs 75
Section 47. Employment of Indian labor and purchase of products of Indian industry 75
Section 48. Right of tribes to direct employment of persons engaged for them 75
Chapter 4—Performance by United States of obligations to Indians 75
Section 104. Purchase of articles manufactured at schools 76
Section 123. Expenditure from tribal funds without specific appropriations 76
Chapter 6—Government of Indian country and reservations 76
Section 231. Enforcement of State laws affecting health and education; entry of State employees on Indian lands 77
Chapter 7—Education of Indians 77
Section 278a. Use of appropriated funds for education in sectarian schools prohibited; exceptions 77
Section 297. Expenditure for children with less than one-fourth Indian blood 77
Chapter 7A—Promotion of Social and Economic Welfare 78
Section 307. Establishment of vocational school for children and housing and training center for adults; transfer of property; supervision 78
Section 308. Same; property taken over by Secretary of the Interior 78
Chapter 14—Miscellaneous 78
Section 471. Vocational and trade schools; appropriation for tuition 78
Section 472. Standards for Indians appointed to Indian Office 79

Part II—Legislation administered within the Department of the Interior—Con.
Subpart C—Additional United States Code citations concerning education:
United States Code, Title 25—Indians: Page
Chapter 2—Officers of Indian Affairs 81
Section 33. Superintendents in charge of reservations; administration of oath of office 81
Section 36. Special agents and other officers to administer oaths 81
Section 66. Duties of agency devolved on superintendent of Indian school 81
Chapter 4—Performance by United States of obligations to Indians 82
Section 101. Payment for wagon transportation 82
Section 102. Payment for costs for furnishing coal for Indian Service 82
Section 155. Disposal of miscellaneous revenues from Indian reservations, et cetera 83
Chapter 7—Education of Indians 83
Section 271. Employment of instructors for Indians 83
Section 272. Superintendent of Indian schools 84
Section 272a. Same; other duties 84
Section 273. Detail of Army officer 84
Section 274. Employment of Indian girls and boys as assistants 85
Section 275. Leaves of absence to employees 85
Section 276. Vacant military posts or barracks for schools; detail of Army officers 85
Section 277. Former Apache military post established as Theodore Roosevelt Indian School 86
Section 278. Repealed 86
Section 279. Rations to mission schools 87
Section 280. Patents of lands to missionary boards of religious organizations 87
Section 280a. Land in Alaska for schools or missions; general land laws 87
Section 281. Children taking lands in severalty not excluded 88
Section 282. Regulations by Secretary of Interior to secure attendance at school 88
Section 283. Regulations for withholding rations for nonattendance at schools 88
Section 284. Regulations by Commissioner of Indian Affairs for attendance at schools 88
Section 285. Withholding annuities from Osage Indians for nonattendance at schools 89
Section 286. Sending child to school out of State without consent 89
Section 287. Taking child to school in another State without written consent 89
Section 288. White children in Indian day schools 90
Section 289. White children in Indian boarding schools 90
Section 290. Transportation of pupils under 14 at Government expense 90
Section 291. Removal of Government property at schools 90
Section 292. Suspension or discontinuance of schools 91
Section 292a. Discontinuance of boarding and day schools having small attendance 91
Section 293. Sale of lands purchased for day school or other Indian administrative uses 91

Part II—Legislation administered within the Department of the Interior—Con.
Subpart C—Additional United States Code citations concerning education—Continued
United States Code, Title 25—Indians—Continued

Page

Section 293a. Conveyance of school properties to local school districts or public agencies ... 92
Section 294. Sale of certain abandoned buildings on lands belonging to Indian tribes ... 93
Section 295. Supervision of expenditure of appropriations for school purposes ... 93
Section 296. Repealed ... 94
Section 298. Census of Indians and report of numbers of school children ... 94
Section 299 to 301. Repealed ... 94
Section 302. Indian Reform School; rules and regulations; consent of parents to placing youth in reform school ... 94
Section 303. Educational loans to worthy youths ... 94
Section 304. South Dakota Indians; State course of study ... 95
Section 304a. Study and investigation of Indian education in United States and Alaska; contracts; report to Congress; appropriations ... 95
Section 304b. Deposits of funds of students and student activity associations in Indian schools ... 95
Chapter 14—Miscellaneous ... 96

INDIANS OF ALASKA

Section 497. Reservation of tracts for schools, hospitals, and so forth ... 96

KLAMATH TRIBE: DISPOSITION OF CERTAIN TRIBAL FUNDS

Section 541. Creation of individual credits; authorized purchases ... 96
Section 544. Creation of individual credits; authorized purchases ... 97
Section 545. Liability of judgment funds for debts ... 98
Section 553. Same; deposit and expenditure of payments ... 99

KLAMATH TRIBE: TERMINATION OF FEDERAL SUPERVISION

Section 564q. Termination of Federal trust ... 99
Section 564w. Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs ... 100

SHOSHONE TRIBE: DISTRIBUTION OF JUDGMENT FUND

Section 572. Payments to individuals; expenditure of payments ... 100

SHOSHONE AND ARAPAHO TRIBES OF WYOMING

Section 613. Advances or expenditures from tribal funds; emergency and educational loans; payments to individuals of tribes; per capita payments not subject to liens or claims; exception ... 101

NAVAJO AND HOPI TRIBES: REHABILITATION

Section 631. Basic program for conservation and development of resources; projects; appropriations ... 103
Section 632. Character and extent of administration; time limit; reports on use of funds ... 104
Section 633. Preference in employment; on-the-job training ... 105

Part II—Legislation administered within the Department of the Interior—Con.
Subpart C—Additional United States Code citations concerning education—Continued
United States Code, Title 25—Indians—Continued

Page

Section 634. Loans to tribes or individual members; loan fund 105
Section 635. Disposition of lands 105
Section 636. Adoption of constitution by Navajo Tribe; method; contents 106
Section 637. Use of Navajo tribal funds 107
Section 638. Participation by Tribal Councils; recommendations 107

INDIANS OF CALIFORNIA

Section 656. Judgment amount deposited in Treasury to credit of Indians; interest rate; use of fund 107

WESTERN OREGON INDIANS: TERMINATION OF FEDERAL SUPERVISION

Section 703. Termination of Federal trust 108

ALABAMA AND COUSHATTA INDIANS OF TEXAS: TERMINATION OF FEDERAL SUPERVISION

Section 722. Termination of Federal trust; publication; termination of Federal services; admission to hospitals and schools 109

PAIUTE INDIANS OF UTAH: TERMINATION OF FEDERAL SUPERVISION

Section 760. Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs 109

WYANDOTTE TRIBE OF OKLAHOMA: TERMINATION OF FEDERAL SUPERVISION

Section 803. Termination of Federal trust 110

PEORIA TRIBE OF OKLAHOMA: TERMINATION OF FEDERAL SUPERVISION

Section 823. Termination of Federal trust and services 110

OTTAWA TRIBE OF OKLAHOMA: TERMINATION OF FEDERAL SUPERVISION

Section 848. Termination of Federal trust and services 111

INDIANS OF OKLAHOMA

Section 883. Osage Tribe; disposition of judgment fund 112

CATAWBA TRIBE OF SOUTH CAROLINA: DIVISION OF ASSETS

Section 938. Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs 113

CHEYENNE-ARAPAHO INDIANS OF OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND

Section 1162. Trust; education and scholarships; approval of agreement 113

FOREWORD

With the beginning of the 94th Congress, the Committee on Education and Labor assumed jurisdiction over all Federal programs affecting the education of Indian and other native children and adults. Previously, this jurisdiction had been divided between the Education and Labor Committee and the Committee on Interior and Insular Affairs.

During the course of overseeing the administration of these laws during this first year of its new responsibilities, the Committee on Education and Labor became convinced that a compilation of Federal laws affecting the education of Indians and other native Americans was necessary in order to gain a comprehensive view of Federal efforts in this area. To our knowledge, such a compilation has not been published before. Consequently, we asked the Congressional Research Service of the Library of Congress to compile this initial collection of Federal laws and to work with the Bureau of Indian Affairs of the U.S. Department of the Interior in this effort. This volume is the result of this work.

The Committee would like to express its appreciation to the Congressional Research Service and to the Department of the Interior for their work. We would especially like to thank Mr. David Osman and Ms. Marcia Scott, Education Analysts of CRS, for all their work.

It is the Committee's hope that in the future additional compilations of Federal laws will be published in the area as the various laws are amended and updated, and we expect to turn to the Department of the Interior and to the Department of Health, Education, and Welfare to provide us with these materials.

CARL D. PERKINS,
Chairman, Committee on Education and Labor.

INTRODUCTION

This "Compilation of Federal Laws Authorizing Education Assistance Explicitly for American Indians and Other Native Americans" represents an attempt to compile a current listing of all Federal laws which expressly provide educational assistance or services for American Indians and other native American children or adults (hereafter collectively considered under the term "American Indians"). This document is intended to be a compact guide to the various Federal laws concerning Indian education; however, it is not intended to express either Congressional approval or disapproval concerning the effectiveness or present relevancy of any of these provisions of law.

To be included in this Compilation, Federal legislation had to be explicitly directed, in whole or in part, to the education of American Indians. In cases where only one or two sections of otherwise general education legislation specifically pertain to American Indians, the decision was made to include only such specific sections and not the entire text of such legislation. Thus, for example, Section 103(a) of Title I of the Elementary and Secondary Education Act ESEA, as amended, is included in this Compilation because of an allotment to the Department of the Interior for use in the Federal Indian schools and for the benefit of certain out-of-State Indian students. However, the remaining sections of the ESEA Title I legislation which benefit "educationally deprived children" are not included. Similarly, not included in this Compilation are the numerous Federal education laws which contain no specific Indian provisions but which have broad categorical purposes, such as providing "student financial aid for higher education," for which one does not have to be "Indian" in order to qualify or participate. The complete text of such general education laws is provided in the joint House and Senate committee print, "A Compilation of Federal Education Laws, As Amended through December 31, 1974" (U.S. Government Printing Office, February 1975).

The various legislative authorities included in this Compilation are broadly organized according to legislation administered within the Department of Health, Education and Welfare (Part I) and legislation administered within the Department of the Interior (Part II). Part II is further subdivided into three subparts: Statute Citations Concerning Education (Subpart A), Selected Primary United States Code Citations Concerning Education (Subpart B), and Additional United States Code Citations Concerning Education (Subpart C).

Whenever possible a legislative authority which is included in this Compilation is cited in statutory form based on the United States Statutes at Large. Nevertheless, a number of the Department of the Interior education citations appear in codified rather than statutory form. Specifically, the citations under Subparts B and C of Part II are taken from the United States Code, 1970 edition supplemented through 1974.

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Concerning the United States Code citations, an explanation and word of caution is perhaps in order. Much of the present day legislative authority for Indian affairs including Indian education had its origins in statutes of the 19th and early 20th centuries. In many cases, these statutes contained specific provisions which have long since been carried out. In other instances, particular legislative provisions, although never formally repealed, are now obsolete as a result of the passage of more comprehensive legislation or changing conditions and the passage of time. Yet, in certain cases, provisions in otherwise obsolete legislation still remain as the legal basis for contemporary activities. Thus, for example, one sentence out of a multi-section, 1834 Act is still cited as legislative authority for Indian tribes to hire teachers.

The kinds of problems and complexities that arise with many of the Indian statutes are the type acknowledged in the preface to the 1970 edition of the United States Code which states in part that

> . . . many of the general and permanent laws which are required to be incorporated in this code are inconsistent, redundant, and obsolete.

It should be noted that over the past several decades 17 of the 50 titles of the United States Code have been revised and enacted into positive law. These 17 titles are now legal evidence of the law and the courts receive them as proof of the law. Eventually, it is anticipated that all the titles of the Code will be so revised and enacted into positive law.

To date, Title 25—Indians—has not been among the titles revised and enacted into positive law. However, within the past year one of the task forces of the American Indian Policy Review Commission (Public Law 93–580) has been examining the question of the revision and codification of Indian law. Specifically, the Task Force on Consolidation, Revision and Codification of Indian Law is reviewing the various titles of the United States Code, but especially Title 25, for the purposes of determining areas of conflict, ambiguity, or inadequacy in existing law and for recommending changes in the law where appropriate.

Finally, it should be noted that no attempt has been made to research the treaties and agreements made by the United States and the various Indian tribes between 1778 and 1883 for any specific education provisions. The text of particular treaties or agreements can be found in Charles J. Kappler, "Indian Affairs, Laws and Treaties—Treaties" (vol. 2).

PART I—LEGISLATION ADMINISTERED WITHIN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

INDIAN EDUCATION ACT (JUNE 23, 1972) PUBLIC LAW 92-318, TITLE IV AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE IV. INDIAN EDUCATION

SHORT TITLE

SEC. 401. This title may be cited as the "Indian Education Act."

Enacted June 23, 1972, P.L. 92-318, sec. 401, 86 Stat. 334.

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 411. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act.'

Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

(20 U.S.C. 241aa) Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1978, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C)) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under this subsection, with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment. The requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

(20 U.S.C. 241bb) Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 335; amended August 21, 1974, P.L. 93-380, sec. 631 (b), 88 Stat. 585.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the

Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

(20 U.S.C. 241cc) Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 335, 336.

"APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B)(ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

(20 U.S.C. 241dd) Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 336, 337.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b)(1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with

respect to the provisions of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

(20 U.S.C. 241ee) Enacted June 23, 1972, P.L. 92-318, sec. 141, 86 Stat. 337.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year, during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303".

(20 U.S.C. 241ff) Enacted June 23, 1972, P.L. 92-318, sec. 141, 86 Stat. 337, 338.

Sec. 411(b).

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(Note.—Sec. 411(b) was an amendment to Title I of the Elementary and Secondary Education Act of 1965, as amended).

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Sec. 411(c)(1).

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(Note.—Sec. 411(c)(1) was an amendment to Title I of Public Law 874, 81st Congress, as amended).

Sec. 411 (c)(2)(A) The Commissioner shall exercise his authority under section 425 of the General Education Provisions Act, to encourage local parental participation with respect to financial assistance

63-794—76——2

under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.[1]

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 403(1) of Public Law 874, 81st Congress.

Enacted June 23, 1972, P.L. 92-318, 86 Stat. 337.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 421. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provisions of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

"In the case of activities of the type described in clause (3) preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

[1] P.L. 93-380, sec. 507(a) redesignated sec. 425 of the General Education Provisions Act as Sec. 427.

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Grants may be used—

"(1) to provide educational services now available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

"Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences. In carrying out the programs authorized by this subsection, preference shall be given to the training of Indians.

"(e) The Commissioner is also authorized to make grants to and contracts with, public agencies, and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purpose of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provisions for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

"The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. The Commissioner shall not approve an application for a grant under subsection (b), (c), or (d) unless he is satisfied that such an application, to the extent consistent with the number of eligible children in the area to be served who are enrolled in private nonprofit elementary and secondary schools whose needs are of the type which the program is intended to meet, makes provision for the participation of such children on an equitable basis. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the succeeding fiscal years ending prior to July 1, 1978."

(20 U.S.C. 887(c) Enacted June 23, 1972, P.L. 92-318, Sec. 421(a); 86 Stat. 339, 341; amended August 21, 1974, P.L. 93-380, sec. 631(a), 88 Stat. 585; amended August 21, 1974, P.L. 93-380, sec. 632(a), 88 Stat. 586.

Sec. 421(b)(1).

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(Note.—Sec. 421(b)(1) amended Titles II and III of the Elementary and Secondary Education Act of 1965, as amended, and Section 612(a)(1) of Public Law 91-230)

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SEC. 421(b)(2). For the purposes of titles II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91-230, the Secretary of the Interior shall have the same duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles.

Enacted June 23, 1972, P.L. 92-318, 86 Stat. 341.

SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR TEACHERS OF INDIAN CHILDREN

SEC. 422. (a) The Commissioner is authorized to make grants to and enter into contracts with institutions of higher education, Indian organizations, and Indian tribes for the purpose of preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian children and to provide in-service training for persons teaching in such programs. Priority shall be given to Indian institutions and organizations. In carrying out his responsibilities under this section, the Commissioner is authorized to award fellowships and traineeships to individuals and to make grants to and to enter into contracts with institutions of higher education, Indian organizations, and Indian tribes for cost of education allowances. In awarding fellowships and traineeships under this section, the Commissioner shall give preference to Indians.

(b) In the case of traineeships and fellowships, the Commissioner is authorized to grant stipends to, and allowances for dependents of persons receiving traineeships and fellowships.

(c) There is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1975, and for each of the three succeeding fiscal years to carry out the provisions of this section.

(20 U.S.C. 887c-1) Enacted August 21, 1974, P.L. 93-380, sec. 632(c), 88 Stat. 586.

FELLOWSHIPS FOR INDIAN STUDENTS

SEC. 423. (a) During the fiscal year ending June 30, 1975, and each of the three succeeding fiscal years, the Commissioner is authorized to award not to exceed two hundred fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not less than three, nor more than four, academic years leading toward a professional or graduate degree in engineering, medicine, law, business, forestry and related fields. In addition to the fellowships authorized to be awarded in the first sentence of this subsection, the Commissioner is authorized to

award a number of fellowships equal to the number previously awarded during any fiscal year under this subsection but vacated prior to the end of the period during which they were awarded, except that each fellowship so awarded shall be only for a period of study not in excess of the remainder of the period of time for which the fellowship it replaces was awarded, as the Commissioner may determine.

(b) The Commissioner shall pay to persons awarded fellowships under this subsection such stipends (including such allowances for subsistence of such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(c) The Commissioner shall pay to the institution of higher education at which the holder of a fellowship under this subsection is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Commissioner may determine to cover the cost of education for the holder of such a fellowship.

(20 U.S.C. 887c-2) Enacted August 21, 1974, P.L. 93-380, sec 632(c), 88 Stat. 586, 587.

Part C—Special Programs Relating to Adult Education for Indians

Amendment to the Adult Education Act

Sec. 431. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"Improvement of educational opportunities for adult Indians

"Sec. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purpose of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

"The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the succeeding fiscal years ending prior to July 1, 1978."

(20 U.S.C. 1211a) Enacted June 23, 1972, P.L. 92-318, sec. 431, 86 Stat. 342, 343; amended August 21, 1974, P.L. 93-380, sec. 608, 88 Stat. 579.

Part D—Office of Indian Education

Office of Indian Education

Sec. 441. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

(20 U.S.C. 1221f) Enacted June 23, 1972, P.L. 92-318, sec. 441, 86 Stat. 343.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

SEC. 442. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and Alaska Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country. Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until July 1, 1978.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 400(d) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part D of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

(20 U.S.C. 1221g) Enacted June 23, 1972, P.L. 92-318, sec. 442, 86 Stat. 343, 344; amended August 21, 1974, P.L. 93-380, sec. 505(a)(2), 88 Stat. 562; amended August 21, 1974, P.L. 93-380, sec. 845(d), 88 Stat. 612.

Part E—Miscellaneous Provisions

Amendment to title V of Higher Education Act of 1965

Sec. 451. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians.".

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"Teachers for Indian children

"Sec. 532. Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section preference shall be given to the training of Indians.

(20 U.S.C. 1119a) Enacted June 23, 1972, P.L. 92-318, sec. 451(b), 86 Stat. 344.

"Distribution of training programs

"Sec. 533. In making grants and contracts for programs and projects under this part, the Commissioner shall seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account the number of children in each State who are aged three to seventeen."

(20 U.S.C. 1119a-1) Enacted Oct. 16, 1968, P.L. 90-575, Title II, sec. 239, 82 Stat. 1040-1041.

Sec. 452.

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(Sec. 452 of P.L. 92-318 was an amendment to Sec. 706(a) of the Elementary and Secondary Education Act of 1965, as amended. P.L. 93-380 redesignated Sec. 706 as Sec. 722 and added new subsections: (c) and (d)):

* * * * * * *

"INDIAN CHILDREN IN SCHOOLS

"SEC. 722. (a) For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominantly for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section may be considered to be a local educational agency as such term is used in this title.

"(b) From the sums appropriated pursuant to section 702(b), the Commissioner is authorized to make payments to the Secretary of the Interior to carry out programs of bilingual education for children on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for such purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702(a).

"(c) The Secretary of the Interior shall prepare and, not later than November 1 of each year, shall submit to the Congress and the President an annual report detailing a review and evaluation of the use, during the preceding fiscal year, of all funds paid to him by the Commissioner under subsection (b) of this section, including complete fiscal reports, a description of the personnel and information paid for in whole or in part with such funds, the allocation of such funds, and the status of all programs funded from such payments. Nothing in this subsection shall be construed to relieve the Director of any authority or obligation under this part.

"(d) The Secretary of the Interior shall, together with the information required in the preceding subsection, submit to the Congress and the President, an assessment of the needs of Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those State educational agencies and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C.452 et seq.) and an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior."

(20 U.S.C. 880b-8) Enacted April 13, 1970, P.L. 91-230, Title I, sec. 152(a), 84 Stat. 151; amended June 23, 1972 P.L. 92-318, Title IV, sec. 452, 84 Stat. 152; redesignated and amended August 21, 1974, P.L. 93-380, sec. 105(a)(1), 88 Stat. 507, 508.

DEFINITION

SEC. 453. For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consulta-

tion with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

(20 U.S.C. 1221h) Enacted June 23, 1972, P.L. 92-318, sec. 453, 86 Stat. 345.

PUBLIC LAW 874, 81ST CONGRESS (SEPTEMBER 30, 1950) AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE I—FINANCIAL ASSISTANCE FOR LOCAL EDUCATION AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITY

SECTION 3—CHILDREN OF PERSONS WHO RESIDE AND WORK ON FEDERAL PROPERTY

Subsection (a)—Entitlement for Indian Land

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CHILDREN RESIDING ON, OR WHOSE PARENTS ARE EMPLOYED ON, FEDERAL PROPERTY

Children of Persons Who Reside and Work on Federal Property

SEC. 3. (a) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year, the Commissioner shall determine the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools, resided on Federal property and—

(1) did so with a parent employed on Federal property situated (A) in whole or in part in the county in which the school district of such agency is located, or (B) if not in such county, in whole or in part in the same State as the school district of such agency; or

(2) had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code).

In making a determination under clause (2) of the preceding sentence with respect to a local educational agency for any fiscal year, the Commissioner shall include the number of children who were in average daily attendance at the schools of such agency, an for whom such agency provided free public education, during such year, and who, while in attendance at such schools, resided on Indian lands, as described in clause (A) of section 403(1).

Children of Persons Who Reside or Work on Federal Property

(b) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year ending prior to July 1, 1978, the Commissioner shall, in addition to any determination made with respect to such agency under subsection (a), determine the number of children (other than children with respect to whom a determination is made for such fiscal year under subsection (a)) who were in average daily attendance at the schools of such

agency, and for whom such agency provided free public education, during such fiscal year and who, while in attendance at such schools, either—

(1) resided on Federal property, or

(2) resided with a parent employed on Federal property situated (A) in whole or in part in the county in which the school district of such agency is located, or (B) if not in such county, in whole or in part in the same State as the school district of such agency, or

(3) had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code).

For such purpose, with respect to a local educational agency in the case of any fiscal year ending prior to July 1, 1978, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or the preceding sentence applies) who were in average daily attendance at the schools of such agency and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three-year period immediately preceding the beginning of the fiscal year for which the determination is made, a refugee who meets the requirements of clauses (A) and (B) of section 2(b)(3) of the Migration and Refugee Assistance Act of 1962, except that the Commissioner shall not include in his determination under this sentence for any fiscal year any child with respect to whose education a payment was made under section 2(b)(4) of such Act.

Eligibility for Payments

(c)(1) Except as is provided in paragraph (2), no local educational agency shall be entitled to receive a payment for any fiscal year with respect to a number of children determined under subsection (a) and subsection (b), unless the number of children so determined with respect to such agency amounts to—

(A) at least four hundred such children; or

(B) a number of such children which equals at least 3 per centum of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education;

whichever is the lesser.

(2)(A)(i) Clause (B) of paragraph (1) shall not operate to make any local educational agency eligible for a payment under this section for any fiscal year unless the number of children with respect to whom determination was made under subsections (a) and (b) respecting such agency for that fiscal year is at least ten.

(ii) If a local educational agency is eligible for a payment for any fiscal year by the operation of clause (B) of paragraph (1), it shall continue to be so eligible for the two succeeding fiscal years even if such agency fails to meet the requirement of such clause (B) during such succeeding fiscal years, except that the number of children determined for the second such succeeding fiscal year with respect to such agency for the purpose of any clause in paragraph (1) of subsection (d) shall not exceed 50 per centum of the number of children determined with respect to such agency for the purpose of that clause for the last fiscal year during which such agency was so eligible.

(iii) If the Commissioner determines with respect to any local educational agency for any fiscal year that—

(I) such agency does not meet the requirement of clause (B) of paragraph (1); and

(II) the application of such requirement, because of exceptional circumstances, would defeat the purposes of this title;

the Commissioner is authorized to waive such requirement with respect to such agency.

(B) No local educational agency shall be entitled to receive a payment for any fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of childern so determined constitutes at least 20 per centum of the total number of children who were in average daily attendance at the schools of such agency and for whom such agency, during such fiscal year, provided free public education.

Amount of Payments

(d) (1) Except as is provided in paragraph (2), the amount to which a local educational agency shall be entitled under this section for any fiscal year shall be—

(A) in the case of any local educational agency with respect to which the number of children determined for such fiscal year under subsection (a) amounts to at least 25 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, an amount equal to 100 per centum of the local contribution rate multiplied by the number of children determined under such subsection plus the sum of the products obtained with respect to such agency under clauses (B) (iii), (B) (iv), and (B) (v); and

(B) in any other case, an amount equal to the sum of—

(i) the product obtained by multiplying 100 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (2) of subsection (a).

(ii) the product obtained by multiplying 90 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (1) of subsection (a).

(iii) the product obtained by multiplying 50 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (3) of subsection (b).

(iv) the product obtained by multiplying 45 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clauses (1) and (2) (A) of subsection (b), and

(v) the product obtained by multiplying 40 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (2) (B) of subsection (b).

(2) (A) Not later than December 1 during each fiscal year beginning after June 30, 1977, the Commissioner shall, except as is provided

in clause (iii) in the third sentence of this subparagraph, determine the total number of children with respect to whom determinations are made under subsection (b) for all local educational agencies making application for payments under this section which meet the eligibility requirements set forth in subsection (c). The Commissioner shall determine the percentage which such number constitutes of the total number of children who were in average daily attendance at the schools of such agencies during such fiscal year and for whom such agencies provided free public education. In calculating the products under clauses (B)(iii), (B)(iv), and (B)(v) of paragraph (1), with respect to any local educational agency for any fiscal year, the Commissioner shall reduce the number of children with respect to whom a determination is made under subsection (b) by a number equal to one-half of the number which the percentage determined under the preceding sentence constitutes of the total number of children with respect to whom such a determination is made and who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, except that—

(i) such percentage shall not exceed 4 per centum;

(ii) the number reduced shall not exceed three hundred; and

(iii) this subparagraph shall not apply to any local educational agency (I) with respect to which the number of children determined under subsection (b) for any fiscal year amounts to at least 10 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, or (II) during any fiscal year in which such agency receives more than 25 per centum of the funds for its current expenditures from payments under this section.

In determining the total number of children who were in average daily attendance at the schools of an agency during any fiscal year under clause (iii)(I) in the preceding sentence, the number of children in such schools with respect to whom a determination is made under subsection (a) for such year shall not be considered.

(B) If the Commissioner determines that—

(i) the amount computed under paragraph (1), as is otherwise provided in this subsection with respect to any local educational agency for any fiscal year, together with the funds available to such agency from State and local sources and from other sections of this title, is less than the amount necessary to enable such agency to provide a level of education equivalent to that maintained in the school districts of the State which are generally comparable to the school district of such agency;

(ii) such agency is making a reasonable tax effort and exercising due diligence in availing itself of State and other financial assistance;

(iii) not less than 50 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education were, during such fiscal year, determined under either subsection (a) or clause (1) of subsection (b), or both; and

(iv) the eligibility of such agency under State law for State aid with respect to free public education of children residing on

Federal property, and the amount of such aid, are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount thereof, with respect to the free public education of other children in the State;

the Commissioner is authorized, to increase the amount computed under paragraph (1) with respect to such agency for such fiscal year to the extent necessary to enable such agency to provide a level of education equivalent to that maintained in such comparable school districts. The Commissioner shall not, under the preceding sentence, increase the amount computed under paragraph (1) with respect to any local educational agency for any fiscal year to an amount which exceeds the product of—

(I) the amount the Commissioner determines to be the cost per pupil of providing a level of education maintained in such comparable school districts during such fiscal year,

multiplied by—

(II) the number of children determined with respect to such agency for such year under either subsection (a) or clause (1) of subsection (b), or both,

minus the amount of State aid which the Commissioner determines to be available with respect to such children for the fiscal year for which the computation is being made.

(C)(i) The amount of the entitlement of any local educational agency under this section for any fiscal year with respect to handicapped children and children with specific learning disabilities for whom a determination is made under subsection (a)(2) or (b)(3) and for whom such local educational agency is providing a program designed to meet the special educational and related needs of such children shall be the amount determined under paragraph (1) with respect to such children for such fiscal year multiplied by 150 per centum.

(ii) For the purposes of division (i), programs designed to meet the special educational and related needs of such children shall be consistent with criteria established under division (iii).

(iii) The Commissioner shall by regulation establish criteria for assuring that programs (including preschool programs) provided by local educational agencies for children with respect to whom this subparagraph applies are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and in the implementation of such regulations the Commissioner shall consult with persons in charge of special education programs for handicapped children in the educational agency of the State in which such local educational agency is located.

(iv) For the purpose of this subparagraph the term handicapped children has the same meaning as specified in section 602(1) of the Education of the Handicapped Act and the term 'children with specific learning diabilities' has the same meaning as specified in section 602(15) of such Act.

(3)(A) Except as is provided in subparagraph (B), in order to compute the local contribution rate for a local educational agency for any fiscal year, the Commissioner, after consulting with the State educational agency of the State in which the local educational agency

is located and with the local educational agency, shall determine which school districts within such State are generally comparable to the school district of the local educational agency for which the computation is being made. The local contribution rate for such agency shall be the quotient of—

(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, which the local educational agencies of such comparable school districts derived from local sources,

divided by—

(ii) the aggregate number of children in average daily attendance for whom such agency provided free public education during such second preceding fiscal year.

(B) (i) The local contribution rate for a local educational agency in any State shall not be less than—

(I) 50 per centum of the average per pupil expenditure in such State, or

(II) 50 per centum of such expenditures in all the States, whichever is greater, except that clause (II) shall not operate in such a manner as to make the local contribution rate for any local educational agency in any State exceed an amount equal to the average per pupil expenditure in such State.

(ii) If the current expenditures in those school districts which the Commissioner has determined to be generally comparable to the school district of the local educational agency for which a computation is made under subparagraph (A) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in the school district of such agency, a level of education equivalent to that maintained in such other school districts, the Commissioner is authorized to increase the local contribution rate for such agency by such an amount which he determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors.

(iii) The local contribution rate for any local educational agency in—

(I) Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, or

(II) any State in which a substantial proportion of the land is in unorganized territory, or

(III) any State in which there is only one local education agency.

shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will best achieve the purposes of this section and which are consistent with the policies and principles provided in this paragraph for determining local contribution rates in States where it is possible to determine generally comparable school districts.

(C) For the purposes of this paragraph—

(i) the term 'State' does not include Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands; and

(ii) the 'average pupil expenditure' in a State shall be (I) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made of all local educational agencies in the State, divided by (II) the aggregate number of children in average daily attendance for

whom such agencies provide free public education during such second preceding fiscal year.

Adjustments for Decreases in Federal Activities

(e) Whenever the Commissioner determines that—

(1) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 per centum of the number so determined with respect to such agency during the preceding fiscal year;

(2) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

(3) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year;

the amount to which such agency is entitled for such fiscal year and for any of the three succeeding fiscal years shall not be less than 90 per centum of the amount to which such agency was so entitled for the preceding fiscal year. That part of any entitlement of any local educational agency which is in excess of the amount which such entitlement would be without the operation of the preceding sentence shall be deemed to be attributable to determinations of children with respect to such agency under subsection (b)(2)(A).

Determinations on the Basis of Estimates

(f) Determinations with respect to a number of children by the Commissioner under this section for any fiscal year shall be made, whenever actual satisfactory data are not available, on the basis of estimates. No such determination shall operte, because of an underestimate, to deprive any local educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(20 U.S.C. 238) Enacted Sept. 30, 1950, c. 1124, P.L. 874, 81st Cong., Title I, sec. 3, 64 Stat. 1102; amended Aug. 8, 1953, C. 402, P.L. 248, 83d Cong., sec. 2, 67 Stat. 530; amended Aug. 12, 1955, c. 868, P.L. 382, 84th Cong., sec. 1, 69 Stat. 713; amended Aug. 1, 1956, c. 852, P.L. 896, 84th Cong., sec. 10, 70 Stat. 909; amended Aug. 3, 1956, c. 915 P.L. 949, 84th Cong., Title II, secs. 202–206, 70 Stat. 970, 971; amended Aug. 12, 1958, P.L. 85–620, Title II, sec. 202, 72 Stat. 559; amended June 25, 1959, P.L. 86–70 sec. 18(d)(1)–(3), 73 Stat. 144; amended July 12, 1960, P.L. 86–624, sec. 14(d)(1)–(3), 74 Stat. 414; amended Oct. 3, 1961, P.L. 87–344, Title I, sec. 102(a), 75 Stat. 759; amended Dec. 18, 1963, P.L. 88–210, Title III, sec. 302, formerly sec. 32, 77 Stat. 419; amended Oct. 16, 1964, P.L. 88–665, Title XI, sec. 1102(a), 78 Stat. 1109; amended April 11, 1965, P.L. 89–10, Title I, secs. 2, 3(a), 4(d)(2), 5, 79 Stat. 27, 34–36; amended Nov. 1, 1965, P.L. 89–313, sec. 4(a), 79 Stat. 1161; amended Nov. 3, 1966, P.L. 89–750, Title II, sec. 201, 80 Stat. 1210; amended Jan. 2, 1968, P.L. 90–247, Titles II, III, secs. 204(d), 205(a), 206, 301(e), 81 Stat. 808, 809, 813; redesignated Oct. 16, 1968, P.L. 90–576, Title I, sec. 101(a)(1), 82 Stat. 1064, amended April 13, 1970, P.L. 91–230, Title II, secs. 201(b), 202, 84 Stat. 154, 155; amended August 21, 1974, P.L. 93–380, sec. 304, 88 Stat. 522, rewritten August 21, 1974, P.L. 93–380, sec. 305(a)(1), 88 Stat. 523, 529.

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TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

(Note.—Title III of Public Law 874 is Part A of the Indian Education Act. See p. 1 for the text of this legislation.)

63-794—76——3

TITLE IV—GENERAL PROVISIONS

SECTION 402—USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

Subsection (d)—Regarding the Bureau of Indian Affairs and Johnson-O'Malley Act

* * * * * * *

USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

SEC. 402. (a) In carrying out his functions under this Act, the Commissioner is authorized, pursuant to proper agreement with any other Federal department or agency, to utilize the services and facilities of such department or agency, and, when he deems it necessary or appropriate, to delegate to any officer or employee thereof the function under section 6 of making arrangements for providing free public education. Payment to cover the cost of such utilization or of carrying out such delegated function shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may occasion assistance under title I, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of title I.

(c) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as title I, shall, except to the extent necessary to carry out during such year contracts made prior to the enactment of title I, be transferred to the Commissioner for use by him in carrying out such purposes.

(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available for the employment of teaching personnel for the provision of free public education for children in any State or for payments to any local educational agency (directly or through the State educational agency) for free public education for children, except that nothing in the foregoing provisions of this subsection shall affect the availability of appropriations for the maintenance and operation of school facilities (1) on Federal property under the control of the Atomic Energy Commission or (2) by the Bureau of Indian Affairs, or the availability of appropriations for the making of payments directed to be made by section 91 of the Atomic Energy Community Act of 1955, as amended, or the availability of appropriations under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., sec. 452).

(20 U.S.C. 243) Enacted Sept. 30, 1950, c. 1124, P.L. 874, 81st Cong., Title III, sec. 302, formerly sec. 8, 64 Stat. 1108; amended Aug 8, 1953, c. 402, P.L. 248, 83d Cong., sec. 9, 67 Stat. 536; amended Aug. 4, 1955, c. 543, c. 11, P.L. 221, 84th Cong., sec. 202, 69 Stat. 485; amended Aug. 12, 1955, c. 868, P.L. 382, 84th Cong., sec. 1, 69 Stat. 713; amended Aug. 3, 1956, c. 915, P.L. 949, 84th Cong., Title II, sec. 210, 70 Stat. 972; amended Aug. 12, 1958, P.L. 85-620, Title II, sec. 204, 72 Stat. 560; redesignated and amended April 11, 1965, P.L. 89-10,

Title I, sec. 3(c), 79 Stat. 35, amended April 13, 1970, P.L. 91-230, Title IV, sec. 401(c)(1), 84 Stat. 173. Repealed provision superseded by sec. 411 of P.L. 90-247, Title IV, as amended (20 U.S.C. 1231(a)); redesignated June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334.

SECTION 403—DEFINITIONS

Subsection (1)—Definition of Federal Property

DEFINITIONS

SEC. 403. For the purposes of this Act—

(1) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes (A) except for purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States, (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any property considered prior to such sale or transfer to be Federal property for the purposes of this act, (C) any low-rent housing whether or not owned by the United States which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia. Notwithstanding the foregoing provisions of this paragraph, such term does not include any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services.

(2) The term "child," except as used in title II, means any child who is within the age limits for which the applicable State provides free public education.

(3) The term "parent" includes a legal guardian or other person standing in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State, except that for the purposes of title II such term does not include any education provided beyond grade 12.

(5) The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruc-

tion, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under title II of this Act or title II or III of the Elementary and Secondary Education Act of 1965.

(6) (A) For purposes of title I, the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(B) For purposes of title II, the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school, and it also includes (except for purposes of sections 203(a)(2), 203(b), and 205(a)(1)) any State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education) or for children in institutions for neglected or delinquent children.

(7) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(8) The term "State" means a State, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, or the Virgin Islands, and for purposes of title II, such term includes the Trust Territory of the Pacific Islands.

(9) The terms "Commissioner of Education" and "Commissioner" means the United States Commissioner of Education.

(10) Average daily attendance shall be determined in accordance with State law, except that (A) the average daily attendance of children with respect to whom payment is to be made under section 3 or 4 of this Act shall be determined in accordance with regulations of the Commissioner, and (B) notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the attendance of such child at such school shall be held and considered (i) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (ii) not to be attendance at a school

of the local educational agency receiving such tuition payment or entitled to receive such payment under the contract.

(11) The term "county" means those divisions of a State utilized by the Secretary of Commerce in compiling and reporting data regarding counties.

(12) The term "construction" includes the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(13) The term "school facilities" means classrooms and related facilities (including initial equipment) for free public education and interests in and (including site, grading, and improvements) on which such facilities are constructed, except that such term does not include those gymnasiums and similar facilities intended primarily for exhibitions for which admission is to be charged to the general public.

(14) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(15) For the purpose of title II, the term "elementary school" means a day or residential school which provides elementary education, as determined under State law, and the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(16) For purposes of title II, the "average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or if satisfactory data for that year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available), of all local educational agencies as defined in section 403(6)(B) in the State, or in the United States (which for the purposes of this subsection means the fifty States, and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

(17) For the purposes of title II, "excess costs" means those costs directly attributable to programs and projects which exceed the average per pupil expenditure of a local educational agency in the most recent year for which satisfactory data are available for pupils in the grade or grades included in such programs or projects (but not including expenditures for any comparable State or local special programs, for educationally deprived children or expenditures for bilingual programs or special education for handicapped children or children with specific learning disabilities, if such expenditures for bilingual education and special education are used to provide, to children of limited

English-speaking ability and handicapped children, and children with specific learning disabilities who reside in title I project areas, services which are comparable to those provided to similarly disadvantaged children residing in nonproject areas).

(20 U.S. 244) Enacted Sept. 30, 1950, c. 1124, P.L. 874, 81st Cong., Title III, sec. 303, formerly sec. 9, 64 Stat. 1108; amended Aug. 8, 1953, c. 402, P.L. 248, 83d Cong., sec. 10, 67 Stat. 536; amended Aug. 1, 1956, c. 852, P.L. 896, 84th Cong., sec. 10, 70 Stat. 909; amended Aug. 3, 1956, c. 915, P.L. 949, 84th Cong., Title II, sec. 211, 70 Stat. 972; amended Aug. 12, 1958, P.L. 85-620, Title II, sec. 205, 72 Stat. 560; amended June 25, 1959, P.L. 86-70, sec. 18(d)(4), 73 Stat. 145; amended July 12, 1960, P.L. 86-624, sec. 14(d)(4), 74 Stat. 414; amended Oct. 16, 1964, P.L. 88-665, Title XI, sec. 1102(b), 78 Stat. 1109; redesignated, and amended April 11, 1965, P.L. 89-10, Title I, secs. 3(c)(1), 4(a)-(c), (d)(1), (e), 79 Stat. 35; amended Nov. 1, 1965, P.L. 89-313, sec. 6(c), 79 Stat. 1162; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 117(a)(1), (b), Title II, sec. 206, 80 Stat. 1198, 1199, 1213,; amended Jan. 2, 1968, P.L. 90-247, Title II, sec. 201, 81 Stat. 806; amended April 13, 1970, P.L. 91-230, Title II, sec. 203(b), 84 Stat. 156. Amendment effective after June 30, 1970; redesignated June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334; amended August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 501.

PUBLIC LAW 815, 81ST CONGRESS (SEPTEMBER 23, 1950) AS AMENDED THROUGH PUBLIC LAW 93-380

School Construction in Areas Affected by Federal Activities

Section 14—School Construction Assistance in Other Federally Affected Areas

Subsections (a) and (b)—Indian Land

* * * * * * *

SCHOOL CONSTRUCTION ASSISTANCE IN OTHER FEDERALLY AFFECTED AREAS

SEC. 14. (a) If the Commissioner determines with respect to any local educational agency that—

(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Indian lands, and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, or that such Indian lands constitute a substantial part of the school district of such local educational agency, or that the total number of such children who reside on Indian lands located outside the school district of such agency equals or exceeds 100;

(2) the immunity of such Indian lands to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the purpose; and

(4) such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the mini-

mum school facilities required for free public education of a substantial percentage of the children in the membership of its schools,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this section. Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (e)) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection "Indian lands" means Indian reservations or other real property referred to in the second sentence of section 15(1).

(b) If the Commissioner determines with respect to any local educational agency that—

(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Indian lands, and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, or that such Indian lands constitute a substantial part of the school district of such local educational agency, or that the total number of such children who reside on Indian lands located outside the school district of such agency equals or exceeds one hundred; and

(2) the immunity of such Indian lands to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

he may, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest, provide the additional assistance necessary to enable such agency to provide the minimum school facilities required for free public education of children in the membership of the schools of such agency who reside on Indian lands; but such additional assistance may not exceed the portion of the cost of constructing such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the pur-

poses of this section. Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (e)) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection "Indian lands" means Indian reservations or other real property referred to in the second sentence of section 15(1).

(d) [1] There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section. There are also authorized to be appropriated such sums as may be necessary for administration of such provisions. Amounts so appropriated, other than amounts appropriated for administration, shall remain available until expended.

(e) If the Commissioner determines with respect to any local educational agency—

(1) that (A) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide, free public education for children who are inadequately housed by minimum school facilities and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and (B) the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, and (C) Federal property constitutes a substantial part of the school district of such agency,

(2) that the immunity of such Federal property from taxation by such agency has created a substantial and continuing impairment of such agency's ability to finance needed school facilities,

(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance for the purpose, and

(4) that such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education of a substantial percentage of the children in the membership of its schools,

he may provide the assistance necessary to enable such agency to provide minimum school facilities for children in the membership of the schools of such agency whom the Commissioner finds to be inadequately housed, upon such terms and conditions, and in such amounts (subject to the applicable provisions of this section) as the Commissioner may consider to be in the public interest. Such assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this subsection.

(e) No payment may be made to any local educational agency under

[1] Apparent error in P.L. 91-230, sec. 205. Subsection (e) should precede subsection (d) in this section.

subsection (a) or (b) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6(b)(1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility. No payment may be made under subsection (a) or (b) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

(f) Amounts paid by the Commissioner to local educational agencies under subsection (a) or (b) may be paid in advance of, or by way or reimbursement for, work performed or purchases made pursuant to the agreement with the Commissioner under this section, and may be paid in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

(g) None of the provisions of sections 1 to 10, both inclusive, other than section 6(b)(1), shall apply with respect to determinations made under this section.

(h) It is hereby declared to be the policy of the Congress that the provision of assistance pursuant to subsections (a) and (b) of this section shall be given a priority at least equal to that given to payments made pursuant to section 10 of this Act.

(20 U.S.C. 644) Similar provisions enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 526, as Title IV, sec. 401 of P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 555, as sec. 14 of P.L. 815, 81st Cong.; amended Oct. 3, 1961, P.L. 87-344, Title I, sec. 101(b), 75 Stat. 759; amended Dec. 18, 1963, P.L. 88-210, Title I, sec. 301(b), formerly sec. 31(b), 77 Stat. 419; amended Oct. 16, 1964, P.L. 88-665, Title XI, sec. 1101(b), 78 Stat. 1109; amended Nov. 3, 1966, P.L. 89-750, Title II, sec. 225, 80 Stat. 1214; amended Jan. 2, 1968, P.L. 90-247, Title II, sec. 203, 81 Stat. 807; redesignated Oct. 16, 1968, P.L. 90-576, Title I, sec. 101(a)(1), 82 Stat. 1064; amended April 13, 1970, P.L. 91-230, Title II, secs. 205(a) and 206, 84 Stat. 158, 159.

Section 15—Definitions

Subsection (1)—Definition of Federal Property

DEFINITIONS

Sec. 15. For the purposes of this Act—

(1) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Except for the purpose of section 10, such term includes (A) real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject

to restrictions on alienation imposed by the United States, any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, and (C) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State, or political subdivision of a State or by the District of Columbia. Notwithstanding the foregoing provisions of this paragraph, such term does not include (A) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers and (B) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services.

(2) The term "child" means any child who is within the age limits for which the applicable State provides free public education.

(3) The term "parent" includes a legal guardian or other person standing in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.

(5) The membership of schools shall be determined in accordance with State law, or, in the absence of State law governing such a determination, in accordance with regulations of the Commissioner; except that, notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the membership of such child, shall be held and considered—

(A) if the two local educational agencies concerned so agree, and if such agreement is approved by the Commissioner, as membership of a school of the local educational agency receiving such tuition payment;

(B) in the absence of any such approved agreement, as membership of a school of the local educational agency so making or contracting to make such tuition payment.

In any determination of membership of schools, children who are not provided free public education (as defined in paragraph (4)) shall not be counted.

(6) The average per pupil cost of constructing minimum school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Commissioner of Education on the basis of the contract cost per square foot under contracts for the construction of school facilities (exclusive of costs of site improvements, equipment, and architectural, engineering, and legal fees) entered into in the State for the second year of the four year

increase period designated in the application, increased by a percentage estimated by the Commissioner to represent additional costs for site improvements, equipment, and architectural, engineering, and legal fees, and multiplied by a factor estimated by the Commissioner to represent the area needed per pupil in minimum school facilities. If the Commissioner finds that the information available for the State concerned for such preceding fiscal year is inadequate or not sufficiently representative, he shall determine such cost on the basis of such information as he has available and after consultation with the State educational agency. The cost of constructing minimum school facilities in the school district of a local educational agency shall be determined by the Commissioner, after consultation with the State and local educational agencies, on the basis of such information as may be contained in the application of such local educational agency and such other information as he may obtain.

(7) Estimates of membership, and all other determinations with respect to eligibility and maximum amount of payment, shall be made as of the time of the approval of the application for which made, and shall be made on the basis of the best information available at the time of such approval.

(8) The terms "construct", "constructing", and "construction" include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(9) The term "school facilities" includes classrooms and related facilities; and initial equipment, machine, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public. Except as used in sections 9 and 10, such term does not include interests in land and off-site improvements.

(10) Whether or not school facilities are minimum school facilities shall be determined by the Commissioner, after consultation with the State and local educational agencies, in accordance with regulations prescribed by him. Such regulations shall (A) require the local educational agency concerned to give due consideration to excellence of architecture and design, (B) provide that no facility shall be disqualified as a minimum school facility because of the inclusion of works of art in the plans therefor if the cost of such works of art does not exceed 1 per centum of the cost of the project, and (C) require compliance with such standards as the Secretary may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this Act shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons.

(11) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education or which has responsibility for the provision of such facilities.

(12) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(13) The term "State" means a State, Puerto Rico, Guam, the District of Columbia, American Samoa, the Virgin Islands, or Wake Island.

(14) The terms "Commissioner of Education" and "Commissioner" mean the United States Commissioner of Education.

(15) The term "base year" means the third or fourth regular school year preceding the fiscal year in which an application was filed under this Act, as may be designated in the application, except that in the case of an application based on children referred to in paragraph (2) or (3) of section 5(a), the base year shall in no event be later than the regular school year 1973–1974; and

(16) The term "increase period" means the period of four consecutive regular school years immediately following such base year.

(20 U.S.C. 645) Similar provisions enacted Sept. 23, 1950, P.L. 815, 81st Cong., Title II, sec. 210, 64 Stat. 976. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 556, as sec. 15 of P.L. 815, 81st Cong.; amended June 25, 1959, P.L. 86-70, sec. 18(c), 73 Stat. 144; amended July 12, 1960, P.L. 86-624, sec. 14(c), 74 Stat. 414; amended Oct. 3, 1961, P.L. 87-344, Title I sec. 101(c), 75 Stat. 759; amended Dec. 18, 1963, P.L. 88-210, Title III, sec. 301(c), formerly sec. 31(c), 77 Stat. 419; amended Oct. 16, 1964, P.L. 88-665, Title XI, sec. 1101 (c), (d), 78 Stat. 1109; amended Nov. 3, 1966, P.L. 89-750, Title II, secs. 222 (b), (c), (d), 230-232, 80 Stat. 1213-1216; amended Jan. 2, 1968, P.L. 90-247, Titles II, III, secs. 201, 301(d)(2), 81 Stat. 806, 813; redesignated Oct. 16, 1968, P.L. 90-576, Title I, sec. 101(a)(1), 82 Stat. 1064; amended April 13, 1970, P.L. 91-230, Title II, secs. 201(a)(2), 203(a)(1), (2), 84 Stat. 154, 155; amended August 21, 1974, P.L. 93-380, sec. 301(a)(2), 88 Stat. 521.

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ELEMENTARY AND SECONDARY EDUCATION ACT (APRIL 11, 1965) PUBLIC LAW 89-10 AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE I—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR EDUCATION OF CHILDREN FROM LOW-INCOME FAMILIES

SECTION 103—GRANTS—AMOUNT AND ELIGIBILITY

Subsection (a) (1)—Allotment to Department of the Interior

Subsection (d)—Uses of Allotment

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PART A—BASIC GRANTS[1]

Subpart 1—Grants to Local Educational Agencies

GRANTS—AMOUNT AND ELIGIBILITY

SEC. 103. (a)(1) There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 per centum of the

[1] Sec. 101(a)(10) of P.L. 93-380 provides as follows:
"(10) There is authorized to be appropriated for each fiscal year a sum not to exceed $15,700,000 to be allocated at the discretion of the Commissioner to assist those local education agencies whose total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 is 90 per centum or less than such allocation under such part A during the preceding fiscal year."

amount appropriated for such year for payments to States under section 143(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection, and payments pursuant to section 124), and there shall be authorized to be appropriated such additional sums as will assure at least the same level of funding under this title as in fiscal year 1973 for Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and to the Secretary of the Interior for payments pursuant to paragraphs (1) and (2) of subsection (d). The amount appropriated pursuant to this paragraph shall be allotted by the Commissioner (A) among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for grants under this part, and (B) to the Secretary of the Interior in the amount necessary (i) to make payments pursuant to paragraph (1) of subsection (d), and (ii) to make payments pursuant to paragraph (2) of subsection (d). The grant which a local educational agency in Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands is eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the grant which a local educational agency in a State shall be eligible to receive under this subpart for a fiscal year shall (except as provided in paragraph (3)) be determined by multiplying the number of children counted under subsection (c) by 40 per centum of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that (A) if the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, such amount shall be 80 per centum of the average per pupil expenditure in the United States, or (B) if the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, such amount shall be 120 per centum of the average per pupil expenditure in the United States. In any case in which such data are not available, subject to paragraph (3), the grant for any local educational agency in a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agent is located, which aggregate amount shall be equal to the aggregate amount determined under the two preceding sentences for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner.

(3)(A) Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (C) of paragraph (1) of subsection (c), who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not

assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those agencies among them in such manner as it determines will best carry out the purposes of this title.

(C) The grant which Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 40 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States.

(4) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children counted under subsection (c):

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c)(1) The number of children to be counted for purposes of this section is the aggregate of (A) the number of children aged five to seventeen, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2)(A), (B) two-thirds of the number of children aged five to seventeen, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (2)(B), and (C) the number of children aged five to seventeen, inclusive, in the school district of such agency living in institutions for neglected

or delinquent children (other than such institutions operated by the United States) but not counted pursuant to section 123 for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

(2)(A) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data re not avilble for such agencies, for counties); and in determining the families which are below the poverty level, the Commissioner shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census.

(B) For purposes of this section, the Secretary of Health, Education, and Welfare shall determine the number of children aged five to seventeen, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program to aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census for a nonfarm family of four in such form as those criteria have been updated by increases in the Consumer Price Index. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the second calendar year preceding such month of January) or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

(C) When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (A) of this subsection) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(d)(1) From the amount allotted for payments to the Secretary of the Interior under clause (B)(i) in the second sentence of subsection (a)(1), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Commissioner determines will best carry out the purposes of this title, with respect to out-of-State Indian children in the elementary and secondary schools of such agencies under special contracts with the Department of the

Interior. The amount of such payment may not exceed, for each such child, 40 per centum of (A) the average per pupil expenditure in the State in which the agency is located or (B) 120 per centum of such expenditure in the United States, whichever is the greater.

(2) The amount allotted for payments to the Secretary of the Interior under clause (B)(ii) in the second sentence of subsection (a)(1) for any fiscal year shall be, as determined pursuant to criteria established by the Commissioner, the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this title. Such agreement shall contain (A) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (B) provision for carrying out the applicable provisions of sections 141(a) and 142(a)(3).

(20 U.S.C. 241c) Enacted April 11, 1965, P.L. 89-10, Title I, sec. 2, 79 Stat. 28; amended July 21, 1965, P.L. 89-77, sec. 3, 79 Stat. 243; amended Nov. 1, 1965, P.L. 89-313, sec. 6(a), 79 Stat. 1161; amended Nov. 3, 1966, P.L. 89-750, Title I, secs. 102, 103(a), 104-108, 113(b), 117 80 Stat. 1191-1198; redesignated and amended Jan. 2, 1968, P.L. 90-247, Title I, secs. 101, 103(a), 104, 105, 107, 108(a), 81 Stat. 783-787; amended Oct. 16, 1968, P.L. 90-576 Title III, sec. 307, 82 Stat. 1097; amended April 13, 1970, P.L. 91-230, secs. 101(b), 103, 104, 105, 106, 107, 113, 84 Stat. 121-124, 126; amended and subsection 103(a) (1) (C) added June 23, 1972, P.L. 92-318, sec. 411(b), 86 Stat. 338; amended August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 488, 491.

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ELEMENTARY AND SECONDARY EDUCATION ACT (APRIL 11, 1965) PUBLIC LAW 89-10 AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE II—SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

SECTION 202—ALLOTMENT TO STATES

Subsection (a)—Allotment to Department of the Interior

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ALLOTMENT TO STATES

SEC. 202. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 1 per centum of the amount appropriated for such year for payments to States under section 201(b). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition, he shall allot from such amount to (A)

the Secretary of Defense the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purpose of this title.

(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 201(b), the Commissioner shall allot to each State an amount which bears the same ratio to the total of such sums as the number of children enrolled in the public and private elementary and secondary schools of that State bears to the total number of children so enrolled in such schools in all of the States. The number of children so enrolled shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him. For purposes of this subsection, the term "State" shall not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to section 201 shall be deemed part of its allotment under section (a) for such year.

(20 U.S.C. 822) Enacted April 11, 1965, P.L. 89-10, Title II, sec. 202, 79 Stat. 36; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 122, 80 Stat. 1199; amended Jan. 2, 1968, P.L. 90-247, Title I, sec. 121, 81 Stat. 788; amended April 13, 1970, P.L. 91-230, Title I, sec. 121(b) 84 Stat. 130; amended June 28, 1972, P.L. 92-318, sec. 421(b)(1)(A), 86 Stat. 341; amended August 21, 1974, P.L. 93-380, sec. 102(b), 88 Stat. 502.

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ELEMENTARY AND SECONDARY EDUCATION ACT (APRIL 11, 1965) PUBLIC LAW 89-10 AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING

SECTION 302—ALLOTMENT AMONG STATES

Subsection (a)(1)—Allotment to Department of the Interior

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ALLOTMENT AMONG STATES

SEC. 302. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to

not more than 1 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

(2) From the sums appropriated for making grants under this title for any fiscal year pursuant to section 301(b), the Commissioner shall allot $200,000 to each State and shall allot the remainder of such sums among the States as follows:

(A) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the States bears to the population of all the States.

For the purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of children aged five to seventeen, inclusive, and the total population of a State and all of the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallotted or used for grants pursuant to section 306 in other States. Funds available for reallotment may be reallotted from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

(20 U.S.C. 842) Enacted April 11, 1965, P.L. 89-10, Title III, sec. 302, 79 Stat. 40; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 132, 80 Stat. 1201; amended Jan. 2, 1968, P.L. 90-247, Title I, sec. 131, 81 Stat. 789; amended April 13, 1970, P.L. 91-230, Title I, sec. 131(a)(1), 84 Stat. 131; amended June 23, 1972, P.L. 92-318, sec. 421(b)(1)(B), 86 Stat. 341.

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ELEMENTARY AND SECONDARY EDUCATION ACT (APRIL 11, 1965) PUBLIC LAW 89-10 AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE IV—LIBRARIES, LEARNING RESOURCES, EDUCATIONAL INNOVATION, AND SUPPORT

SECTION 402—ALLOTMENT TO THE STATES

Subsection (a)—Allotment to Department of the Interior

ALLOTMENT TO THE STATES

SEC. 402. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph amounts equal to not more than 1 per centum of each of the amounts appropriated for such year under subsections (a) or (b), or both, of section 401. The Commissioner shall allot each of the amounts appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under part B or part C, or both, of this title. In addition, for each fiscal year he shall allot from each of such amounts to (A) the Secretary of the Interior the amounts necessary for the programs authorized by each such part for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amounts necessary for the programs authorized by each such part for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payment for such purposes shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

(2) From the amounts appropriated to carry out part B or part C, or both, of this title for any fiscal year pursuant to subsections (a) and (b) of section 401, the Commissioner shall allot to each State from each such amount an amount which bears the same ratio to such amount as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States. For the purposes of this subsection, the term 'State' shall not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. The number of children aged five to seventeen, inclusive, in a

State and in all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out part B or C which the Commissioner determines will not be required for such fiscal year to carry out such part shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to section 401 shall be deemed a part of its allotment under subsection (a) for such year.

(20 U.S.C. 1802) Enacted August 21, 1974, P.L. 93-380, sec. 401, 88 Stat. 537, 538.

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ELEMENTARY AND SECONDARY EDUCATION ACT (APRIL 11, 1965) PUBLIC LAW 89-10 AS AMENDED THROUGH PUBLIC LAW 93-380

Title VII—Bilingual Education Programs

SECTION 722—INDIAN CHILDREN IN SCHOOLS

* * * * * * *

INDIAN CHILDREN IN SCHOOLS

Sec. 722. (a) For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominantly for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section may be considered to be a local educational agency as such term is used in this title.

(b) From the sums appropriated pursuant to section 702(b), the Commissioner is authorized to make payments to the Secretary of the Interior to carry out programs of bilingual education for children on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for such purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702(a).

(c) The Secretary of the Interior shall prepare and, not later than November 1 of each year, shall submit to the Congress and the President an annual report detailing a review and evaluation of the use, during the preceding fiscal year, of all funds paid to him by the Commissioner under subsection (b) of this section, including complete fiscal reports, a description of the personnel and information paid for

in whole or in part with such funds, the allocation of such funds, and the status of all programs funded from such payments. Nothing in this subsection shall be construed to relieve the Director of any authority or obligation under this part.

(d) The Secretary of the Interior shall, together with the information required in the preceding subsection, submit to the Congress and the President, an assessment of the needs of Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those State educational agencies and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.) and an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

(20 U.S.C. 880 b-8) Enacted August 21, 1974, P.L. 93-380, sec. 105(a)(1), 88 Stat. 507, 508.

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ELEMENTARY AND SECONDARY EDUCATION ACT (APRIL 11, 1965) PUBLIC LAW 89-10 AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE VIII—GENERAL PROVISIONS

SECTION 810—IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

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(NOTE.—Section 810 of the ESEA is Part B of the Indian Education Act. See p. 6 for the text of this legislation).

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EDUCATION OF THE HANDICAPPED ACT (APRIL 13, 1970) PUBLIC LAW 91-230 AS AMENDED THROUGH PUBLIC LAW 94-142

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SECTION 611—ENTITLEMENTS AND ALLOCATIONS

Subsection (f)—Allotment to the Department of the Interior

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PART B.—ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN

ENTITLEMENTS AND ALLOCATIONS

SEC. 611 (a)(1) Except as provided in paragraph (3) and in section 619, the maximum amount of the grant to which a State is entitled under this part for any fiscal year shall be equal to—

(A) the number of handicapped children aged three to twenty-one, inclusive, in such State who are receiving special education and related services;

multiplied by—

(B)(i) 5 per centum, for the fiscal year ending September 30, 1978, of the average per pupil expenditure in public elementary and secondary schools in the United States;

(ii) 10 per centum, for the fiscal year ending September 30, 1979, of the average per pupil expenditure in public elementary and secondary schools in the United States;

(iii) 20 per centum, for the fiscal year ending September 30, 1980, of the average per pupil expenditure in public elementary and secondary schools in the United States;

(iv) 30 per centum, for the fiscal year ending September 30, 1981, of the average per pupil expenditure in public elementary and secondary schools in the United States; and

(v) 40 per centum, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per pupil expenditure in public elementary and secondary schools in the United States;

except that no State shall receive an amount which is less than the amount which such State received under this part for the fiscal year ending September 30, 1977.

(2) For the purpose of this subsection and subsection (b) through subsection (e), the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) The number of handicapped children receiving special education and related services in any fiscal year shall be equal to the average of the number of such children receiving special education and related services on October 1 and February 1 of the fiscal year preceding the fiscal year for which the determination is made.

(4) For purposes of paragraph (1)(B), the term "average per pupil expenditure", in the United States, means the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for such year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the United States (which, for purposes of this subsection, means the fifty States and the District of Columbia), as the case may be, plus any direct expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

(5)(A) In determining the allotment of each State under paragraph (1), the Commissioner may not count—

(i) handicapped children in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 per centum of the number of all children aged five to seventeen, inclusive, in such State;

(ii) as part of such percentage, children with specific learning disabilities to the extent the number of such children is greater than one-sixth of such percentage; and

(iii) handicapped children who are counted under section 121 of the Elementary and Secondary Education Act of 1965.

(B) For purposes of subparagraph (A), the number of children aged five to seventeen, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(b)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1978—

(A) 50 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

(B) 50 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with the priorities established under section 612(3).

(2) Of the funds which any State may use under paragraph (1)(A)—

(A) an amount which is equal to the greater of—

(i) 5 per centum of the total amount of funds received under this part by such State; or

(ii) $200,000;

may be used by such State for administrative costs related to carrying out sections 612 and 613; and

(B) the remainder shall be used by such State to provide support services and direct services, in accordance with the priorities established under section 612(3).

(c)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1979, and for each fiscal year thereafter—

(A) 25 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

(B) except as provided in paragraph (3), 75 centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with priorities established under section 612(3).

(2)(A) Subject to the provisions of subparagraph (B), of the funds which any State may use under paragraph (1)(A)—

(i) an amount which is equal to the greater of—

(I) 5 per centum of the total amount of funds received under this part by such State; or

(II) $200,000;

may be used by such State for administrative costs related to carrying out the provisions of sections 612 and 613; and

(ii) the remainder shall be used by such State to provide support services and direct services, in accordance with the priorities established under section 612(3).

(B) The amount expended by any State from the funds available to such State under paragraph (1)(A) in any fiscal year for the provision of support services or for the provision of direct services shall be matched on a program basis by such State, from funds other than Federal funds, for the provision of support services or for the provision of direct services for the fiscal year involved.

(3) The provisions of section 613(a)(9) shall not apply with respect to amounts available for use by and State under paragraph (2).

(4)(A) No funds shall be distributed by any State under this subsection in any fiscal year to any local educational agency or intermediate educational unit in such State if—

(i) such local educational agency or intermediate educational unit is entitled, under subsection (d), to less than $7,500 for such fiscal year; or

(ii) such local educational agency or intermediate educational unit has not submitted an application for such funds which meets the requirements of section 614.

(B) Whenever the provisions of subparagraph (A) apply, the State involved shall use such funds to assure the provision of a free appropriate education to handicapped children residing in the area served by such local educational agency of such intermediate educational unit. The provisions of paragraph (2)(B) shall not apply to the use of such funds.

(d) From the total amount of funds available to local educational agencies and intermediate educational units in any State under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, each local educational agency or intermediate educational unit shall be entitled to an amount which bears the same ratio to the total amount available under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, as the number of handicapped children aged three to twenty-one, inclusive, receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of handicapped children aged three to twenty-one, inclusive, receiving special education and related services in all local educational agencies and intermediate educational units which apply to the State educational agency involved for funds under this part.

(e)(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) Each jurisdiction to which this subsection applies shall be entitled to a grant for the purposes set forth in section 601(c) in an amount equal to an amount determined by the Commissioner in accordance with criteria based on respective needs, except that the aggregate of the amount to which such jurisdictions are so entitled for any fiscal year shall not exceed an amount equal to 1 per centum of the aggregate of the amounts available to all States under this part for that fiscal year. If the aggregate of the amounts, determined by the Commissioner pursuant to the preceding sentence, to be so needed for any fiscal year exceeds an amount equal to such 1 per centum limitation, the entitlement of each such jurisdiction shall be reduced proportionately until such aggregate does not exceed such 1 per centum limitation.

(3) The amount expended for administration by each jurisdiction under this subsection shall not exceed 5 per centum of the amount allotted to such jurisdiction for any fiscal year, or $35,000, whichever is greater.

(f)(1) The Commissioner is authorized to make payments to the Secretary of the Interior according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. The amount of such payment for any fiscal year shall not exceed 1 per centum of the aggregate amounts available to all States under this part for that fiscal year.

(2) The Secretary of the Interior may receive an allotment under this subsection only after submitting to the Commissioner an application which meets the applicable requirements of section 614(a) and which is approved by the Commissioner. The provisions of section 616 shall apply to any such application.

(g)(1) If the sums appropriated for any fiscal year for making payments to States under this part are not sufficient to pay in full the total amounts which all States are entitled to receive under this part for such fiscal year, the maximum amounts which all States are entitled to receive under this part for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(2) In the case of any fiscal year in which the maximum amounts for which States are eligible have been reduced under the first sentence of paragraph (1), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the last sentence of such paragraph, the State educational agency shall fix dates before which each local educational agency or intermediate educational unit shall report to the State educational agency on the amount of funds available to the local educational agency or intermediate educational unit, under the provisions of subsection (d), which it estimates that it will expend in accordance with the provisions of this part. The amounts so available to any local educational agency or intermediate educational unit, or any amount which would be available to any other local educational agency or intermediate educational unit if it were to submit a program meeting the requirements of this part, which the State educational agency determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies or intermediate educational units, in the manner provided by this section, which the State educational agency determines will need and be able to use additional funds to carry out approved programs.

(20 U.S.C. 1411) Enacted April 13, 1970, P.L. 91-230, Title VI, sec. 611, 84 Stat. 178; amended November 29, 1975, P.L. 94-142, sec. 5(a), 89 Stat.—.

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NATIONAL DEFENSE EDUCATION ACT (SEPTEMBER 2, 1958) PUBLIC LAW 85-864 AS AMENDED THROUGH PUBLIC LAW 90-575

TITLE X—MISCELLANEOUS PROVISIONS

SECTION 1008—ALLOTMENTS TO TERRITORIES AND POSSESSIONS

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ALLOTMENTS TO TERRITORIES AND POSSESSIONS [1]

SEC. 1008. The amounts reserved by the Commissioner under sections 302, 312, and 502 shall, in accordance therewith, be allotted among—

(A) Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for the type of assistance fur-

[1] Section 302 concerns financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects—allotments to states;
Section 312 concerns financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects—allotments to local educational agencies;
Section 502 concerns guidance, counseling, and testing; identification and encouragement of able students—allotments to states.

nished under the part or title in which the section appears, and (B) in the case of amounts so reserved under sections 302 and 502, (i) the Secretary of the Interior, according to the need for such assistance in order to effectuate the purposes of such part or title in schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense according to the need for such assistance in order to effectuate the purposes of such part or title in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

(20 U.S.C. 588) Enacted Sept. 2, 1958, P.L. 85-864, Title X, sec. 1008, 72 Stat. 1605; amended June 25, 1959, P.L. 86-70, sec. 18(a)(3), 73 Stat. 144; amended July 12, 1960, P.L. 86-624, sec. 14(a)(3), 74 Stat. 413; amended Dec. 18, 1963, P.L. 88-210, sec. 28(a), 77 Stat. 419; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 351, 82 Stat. 1058.

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EMERGENCY SCHOOL AID ACT (JUNE 23, 1972) PUBLIC LAW 92-318, TITLE VII AS AMENDED THROUGH PUBLIC LAW 93-380

SECTION 720—DEFINITIONS

Subsection ( )—Definition of "Local Educational Agency"

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DEFINITIONS

SEC. 720. Except as otherwise specified, the following definitions shall apply to the terms used in this title:

(1) The term "Assistant Secretary" means the Assistant Secretary of Health, Education, and Welfare for Education.

(2) The term "current expenditure per pupil" for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay and debt service, or any expenditure made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

(3) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(4) The term "equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(5) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(6) For the purpose of section 706(a)(2) and section 709(a)(1), the term "integrated school" means a school with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, in which the proportion of minority group children is at least 50 per centum of the proportion of minority group children enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and which has a faculty and administrative staff with substantial representation of minority group persons.

(7) For the purpose of section 706(a)(1)(E), the term "integrated school" means a school with (i) an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and in which the Assistant Secretary determines that the number of nonminority group children constitutes that proportion of the enrollment which will achieve stability, in no event more than 65 per centum thereof, and (ii) a faculty which is representative of the minority group and nonminority group population of the larger community in which it is located, or, wherever the Assistant Secretary determines that the local educational agency concerned is attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school and where responsibility for the control and direction of the activities in such schools which are to be assisted under this title

is vested in an agency subordinate to such a board or other authority, the Assistant Secretary may consider such subordinate agency as a local educational agency for purpose of this title.

(9) (A) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed Americans, Portuguese, Oriental, Alaskan natives, and Hawaiian natives and (ii) (except for the purposes of section 705), as determined by the Assistant Secretary, persons who are from environments in which a dominant language is other than English and who, as a result of language barriers and cultural differences, do not have an equal educational opportunity, and (B) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(10) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 per centum of the enrollment of a school.

(11) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(12) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(13) The term "Standard Metropolitan Statistical Area" means the area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

(14) The term "State" means one of the fifty States or the District of Columbia, and for purposes of section 708(a), Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be deemed to be States.

(15) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(20 U.S.C. 1619) Enacted June 23, 1972, P.L. 92-318, sec. 720, 86 Stat. 369-371; amended August 21, 1974, P.L. 93-380, sec. 643(d), 88 Stat. 587.

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HIGHER EDUCATION ACT (NOVEMBER 8, 1965), PUBLIC LAW 89-329 AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

SECTION 302—ELIGIBILITY FOR SPECIAL ASSISTANCE

Subsection (a)—Waiver of Selected Eligibility Requirements for Selected Institutions

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ELIGIBILITY FOR SPECIAL ASSISTANCE

SEC. 302. (a) (1) For the purposes of this title, the term "developing institution" means an institution of higher education in any State which—

(A) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelors' degree, or is a junior or community college;

(B) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

(C) except as is provided in paragraph (2), has met the requirement of clauses (A) and (B) during the five academic years preceding the academic year for which it seeks assistance under this title; and

(D) meets such other requirements as the Commissioner shall prescribe by regulation, which requirements shall include at least a determination that the institution—

(i) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and

(ii) is, for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

(2) The Commissioner is authorized to waive the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions located on or near an Indian reservation or a substantial population of Indians if the Commissioner determines such action will increase higher education for Indians, except that such grants may not involve an expenditure of funds in excess of 1.4 per centum of the sums appropriated pursuant to this title for any fiscal year. The Commissioner is authorized to waive three years of the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions if the Commissioner determines such action will substantially increase higher education for Spanish-speaking people.

(b) Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title. The Commissioner shall approve any application for eligibility under this subsection which indicates that the applicant is a developing instituton meeting the requirements set forth in subsection (a).

(c) For the purposes of clause (A) of paragraph (1) of subsection (a) of this section, the term "junior or community college" means an institution of higher education—

(1) which does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree);

(2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and

(3) which does—

(A) provide an educational program of not less than two years which is acceptable for full credit toward such a degree, or

(B) offer a two-year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific, or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

(20 U.S.C. 1052) Enacted June 23, 1972, P.L. 92-318, Title I, sec. 121(a), 86 Stat. 241, 242; amended August 21, 1974, P.L. 93-380, sec. 832, 88 Stat. 603.

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HIGHER EDUCATION ACT (NOVEMBER 8, 1965) PUBLIC LAW 89-329 AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE V—EDUCATION PROFESSIONS DEVELOPMENT

Part A—General Provisions

SECTION 503—APPRAISING EDUCATION PERSONNEL NEEDS

Subsection (a)—Indian Education Personnel[1]

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APPRAISING EDUCATION PERSONNEL NEEDS

SEC. 503. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of education, including preschool programs, elementary and secondary education, vocational and technical education, adult education, and higher education, including the need to provide such programs and education to Indians, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to educational personnel needs, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of, the Department of Labor, the National Science Foundation, the National Foundation on the Arts and the Humanities, State educational agencies, State employment security agencies, and other appropriate public and private agencies.

(b) The Commissioner shall prepare and publish annually a report on the education professions, in which he shall present in detail his views on the state of the education professions and the trends which he discerns with respect to the future complexion of programs of education throughout the Nation and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

(20 U.S.C. 1091b) Enacted June 29, 1967, P.L. 90-35, sec. 2(c), 81 Stat. 83; amended June 23, 1972, P.L. 92-318, sec. 451, 86 Stat. 344.

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[1] Provision also cited under Part E, section 451(a) of the Indian Education Act, p. 13.

Part B—Attracting and Qualifying Teachers

SECTION 513—TEACHER CORPS PROGRAM

Subsection (c)—Allotment of Teacher Corps Members to BIA Schools

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TEACHER CORPS PROGRAM

SEC. 513. (a) For the purpose of carrying out this subpart, the Commissioner is authorized to—

(1) enter into contracts or other arrangements with institutions of higher education or local educational agencies under which they will recruit, select, and enroll in the Teacher Corps for periods of up to two years, experienced teachers, teacher aides, persons who have a bachelor's degree or its equivalent, and persons who have successfully completed two years of a program for which credit is given toward a baccalaureate degree and, for such periods as the Commission may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistant;

(2) enter into arrangements, through grants or contracts, with institutions of higher education or local educational agencies (upon approval in either case by the appropriate State educational agency) or with State educational agencies to provide members of the Teacher Corps with such training as the Commissioner may deem appropriate to carry out the purpose of this subpart, including not more than three months of training for members before they undertake their teaching duties under this subpart;

(3) enter into arrangements (including the payment of the cost of such arrangements) with local educational agencies upon approval by the appropriate State educational agency and, after consultation in appropriate cases with institutions of higher education, to furnish to local educational agencies, for service during regular or summer sessions, or both, in the schools of such agencies in areas having concentrations of children from low-income families, teaching teams, each of which shall consist of an experienced teacher and a number of teacher-interns who, in addition to teaching duties, shall be afforded time by the local educational agency for a teacher-intern training program carried out under the guidance of an experienced teacher in cooperation with an institution of higher education;

(4) pay to local educational agencies such part of the amount of the compensation which such agencies pay to or on behalf of members of the Teacher Corps assigned to them pursuant to arrangements made pursuant to the preceding clause as may be agreed upon after consideration of their ability to pay such compensation, but not in excess of 90 per centum thereof, except that, in exceptional cases, the Commissioner may provide more than 90 per centum of such compensation during the first year of any agency's participation in the program;

(5) enter into contracts or other arrangements with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements)

will be made (A) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve as part-time tutors or full-time instructional assistants in teams with other Teacher Corps members, under the guidance of experienced teachers, but not in excess of 90 per centum of the cost of compensation for such tutors and instructional assistants may be paid from Federal funds, and (B) to provide appropriate training to prepare tutors and instructional assistants for service in such programs;

(6) enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payments of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such projects may be paid from Federal funds;

(7) make available technical assistance to local educational agencies and institutions of higher education for carrying out arrangements entered into under clause (1);

(8) acquaint qualified persons of teaching opportunities and needs in disadvantaged areas and encourage qualified persons to apply to appropriate educational agencies or institutions for enrollment in the Teacher Corps; and

(9) accept and employ in the furtherance of the purposes of this subpart (A) voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes, as amended (31 U.S.C. 665(b)), and (B) any money or property (real, personal, or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise.

(b) Arrangements with institutions of higher education to provide training for teacher-interns while teaching in schools for local educational agencies under the provisions of this subpart shall provide, wherever possible, for training leading to an appropriate degree.

(c)(1) Whenever the Commissioner determines that the demand for the services of members of the Teacher Corps exceeds the number available, he shall, to the extent practicable, allocate the number of members of the Teacher Corps who are available among the States in accordance with paragraph (2).

(2) Not to exceed 5 per centum of the number of members of the Teacher Corps who are available shall be allocated to Puerto Rico, the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands and not to exceed 5 per centum of such members shall be allocated to the elementary and secondary schools operated for Indian children by the Department of Interior, according to their respective needs. The remainder of such number of Teacher Corps members shall be allocated among the States so that the number of

members available to any State shall bear the same ratio to the number being allocated as the number of children enrolled in the public and private elementary and secondary schools of that State bears to the total number of children so enrolled in such schools in all of the States. The number of children so enrolled shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him. For purposes of this subsection, the term "State" shall not include Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(3) If the Commissioner determines that a State will not require the number of Teacher Corps members allocated to it under paragraph (2), he shall, from time to time, reallot the number not required, on such dates as he may fix, to other States in proportion to the original allocation to such States under paragraph (2), but with such proportionate number for any of such other States being reduced to the extent it exceeds the number the Commissioner determines such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate numbers were not so reduced.

(d) A local educational agency may utilize members of the Teacher Corps assigned to it in providing, in the manner described in section 205(a)(2) of Public Law 874, Eighty-first Congress, as amended, educational services in which children enrolled in private elementary and secondary schools can participate.

(20 U.S.C. 1103) Enacted Nov. 8, 1965, P.L. 89-329, Title V, sec. 513, 79 Stat. 1256; amended June 29, 1967, P.L. 90-35, sec. 9(a), (c), (f), 81 Stat. 85, 86; sec. 513(c)(2) amended Apr. 13, 1970, P.L. 91-230, sec. 803, 84 Stat. 190; sec. 513(a) amended Apr. 13, 1970, P.L. 91-230, sec. 804(c), 84 Stat. 190; and further amended Apr. 13, 1970, P.L. 91-230, sec. 805(b), 84 Stat. 191; amended August 21, 1974, P.L. 93-380, sec. 835(a)(2), 88 Stat. 605.

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HIGHER EDUCATION ACT (NOVEMBER 8, 1965) PUBLIC LAW 89-329 AS AMENDED THROUGH PUBLIC LAW 93-380

TITLE V—EDUCATION PROFESSIONS DEVELOPMENT

Part D—Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education

SECTION 532—TEACHERS FOR INDIAN CHILDREN

* * * * * * *

TEACHERS FOR INDIAN CHILDREN [1]

SEC. 532. Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and

[1] Provision also cited under Part E, section 451(b) of the Indian Education Act, p. 13.

private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section, preference shall be given to the training of Indians.

(20 U.S.C. 1119a) Enacted June 23, 1972, P.L. 92-318, sec. 451(b), 86 Stat. 344.

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ADULT EDUCATION ACT (NOVEMBER 3, 1966), PUBLIC LAW 89-750, TITLE III AS AMENDED THROUGH PUBLIC LAW 93-380

SECTION 314—IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

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(Note.—Section 314 was added to the Adult Education Act by section 431 of the Indian Education Act. See p. 10 for the text of this legislation.)

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PART II—LEGISLATION ADMINISTERED WITHIN THE DEPARTMENT OF THE INTERIOR

SUBPART A—STATUTE CITATIONS CONCERNING EDUCATION

SNYDER ACT OF 1921 (NOVEMBER 2, 1921) PUBLIC LAW 85, 67TH CONGRESS

AN ACT Authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs.

(25 U.S.C. 13) Enacted November 2, 1921, P.L. 85, 67th Cong., 42 Stat. 208.

JOHNSON-O'MALLEY ACT (APRIL 16, 1934) PUBLIC LAW 167, 73RD CONGRESS AS AMENDED THROUGH PUBLIC LAW 93-638

AN ACT Authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to enter into a contract or contracts with any State or Territory, or political subdivision thereof, or with any State university, college, or school,

or with any appropriate State or private corporation, agency, or institution, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the agencies of the State or Territory or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory.

SEC. 2. That the Secretary of the Interior, in making any contract herein authorized, may permit such contracting party to utilize, for the purposes of this Act, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of this Act into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the States or Territories within which said contract or contracts, as herein provided, are to be effective.

SEC. 4. The Secretary of the Interior shall not enter into any contract for the education of Indians unless the prospective contractor has submitted to, and has had approved by the Secretary of the Interior, an education plan, which plan, in the determination of the Secretary, contains educational objectives which adequately address the educational needs of the Indian students who are to be beneficiaries of the contract and assures that the contract is capable of meeting such objectives: *Provided*, That where students other than Indian students participate in such programs, money expended under such contract shall be prorated to cover the participation of only the Indian students.

SEC. 5. (a) Whenever a school district affected by a contract or contracts for the education of Indians pursuant to this Act has a local school board not composed of a majority of Indians, the parents of the Indian children enrolled in the school or schools affected by such contract or contracts shall elect a local committee from among their number. Such committee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contract or contracts, and shall carry out such other duties, and be so structured, as the Secretary of the Interior shall by regulation provide: *Provided, however*, That, whenever a local Indian committee or committees established pursuant to section 305 (b) (2) (B) (ii) of the Act of June 23, 1972 (86 Stat. 235) or an Indian advisory school board or boards established pursuant to this Act prior to the date of enactment of this section exists in such school district, such committee or board may, in the discretion of the affected tribal governing body or bodies, be utilized for the purposes of this section.

(b) The Secretary of the Interior may, in his discretion, revoke

any contract if the contractor fails to permit a local committee to perform its duties pursuant to subsection (a).

SEC. 6. Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, and who are residing in Federal boarding facilities for the purposes of attending public schools within such district may, in the discretion of the Secretary of the Interior, be reimbursed by him for the full per capita costs of educating such Indian students.

(25 U.S.C. 452–457) Enacted April 16, 1934, P.L. 167, 73rd Cong., 48 Stat. 596; amended June 4, 1936, P.L. 658, 74th Cong., 49 Stat. 1458; amended June 29, 1960, P.L. 86-533, 74 Stat. 248; amended Jan. 4, 1975, P.L. 93-638, 88 Stat. 2217.

INDIAN ADULT VOCATIONAL EDUCATION, PUBLIC LAW 959, 84TH CONGRESS (AUGUST 3, 1956) AS AMENDED THROUGH PUBLIC LAW 90-252

Relative to employment for certain adult Indians on or near Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to help adult Indians who reside on or near Indian reservations to obtain reasonable and satisfactory employment, the Secretary of the Interior is authorized to undertake a program of vocational training that provides for vocational counseling or guidance, institutional training in any recognized vocation or trade, apprenticeship, and on-the-job training, for periods that do not exceed twenty-four months, and for nurses' training, for periods that do not exceed thirty-six months, transportation to the place of training, and subsistence during the course of training. The program shall be available primarily to Indians who are not less than eighteen and not more than thirty-five years of age and who reside on or near an Indian reservation, and the program shall be conducted under such rules and regulations as the Secretary may prescribe. For the purposes of this program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, or with any private school which has a recognized reputation in the field of vocational education and has successfully obtained employment for its graduates in their respective fields of training, or with any corporation or association which an existing apprenticeship or on-the-job training program which is recognized by industry and labor as leading to skilled employment, or with any school of nursing offering a three-year course of study leading to a diploma in nursing which is accredited by a recognized body or bodies approved for such purpose by the Secretary.

SEC. 2. There is authorized to be appropriated for the purposes of this Act the sum of $25,000,000 for each fiscal year, and not to exceed $1,500,000 of such sum shall be available for administrative purposes.

(25 U.S.C. 309–309a) Enacted Aug. 3, 1956, P.L. 959, 84th Cong., 70 Stat. 986; amended Sept. 22, 1961, P.L. 87-273, 75 Stat. 571; amended Dec. 23, 1963, P.L. 88-230, 77 Stat. 471; amended Apr. 22, 1965, P.L. 89-14, 79 Stat. 74; amended Feb. 3, 1968, P.L. 90-252, 82 Stat. 4.

NAVAJO COMMUNITY COLLEGE ACT (DECEMBER 15, 1971) PUBLIC LAW 92-189

AN ACT To authorize grants for the Navajo Community College, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Navajo Community College Act."

PURPOSE

SEC. 2. It is the purpose of this Act to assist the Navajo Tribe of Indians in providing education to the members of the tribe and other qualified applicants through a community college, established by that tribe, known as the Navajo Community College.

GRANTS

SEC. 3. The Secretary of Interior is authorized to make grants to the Navajo Tribe of Indians to assist the tribe in the construction, maintenance, and operation of the Navajo Community College. Such college shall be designed and operated by the Navajo Tribe to insure that the Navajo Indians and other qualified applicants have educational opportunities which are suited to their unique needs and interests.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. For the purpose of making grants under this Act, there are hereby authorized to be appropriated not to exceed $5,500,000 for construction, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations from 1971 construction costs as indicated by engineering cost indexes applicable to the types of construction involved, and an annual sum for operation and maintenance of the college that does not exceed the average amount of the per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

(25 U.S.C. 640 a-c) Enacted Dec. 15, 1971, P.L. 92-189, 85 Stat. 646.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (JANUARY 4, 1975) PUBLIC LAW 93-638

AN ACT To provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Self-Determination and Education Assistance Act".

CONGRESSIONAL FINDINGS

SEC. 2. (a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(2) the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons.

(b) The Congress further finds that—

(1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide; and

(3) parental and community control of the educational process is of crucial importance to the Indian people.

DECLARATION OF POLICY

SEC. 3. (a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

DEFINITIONS

SEC. 4. For the purposes of this Act, the term—

(a) "Indian" means a person who is a member of an Indian tribe;

(b) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(c) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: *Provided*, That in any case where a contract is let or grant made to an organization to perform services benefitting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant;

(d) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(f) "State education agency" means the State board of education or other agency or officer primarily responsible for supervision by the State of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

REPORTING AND AUDIT REQUIREMENTS

SEC. 5. (a) Each recipient of Federal financial assistance from the Secretary of Interior or the Secretary of Health, Education, and Welfare, under this Act, shall keep such records as the appropriate Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Comptroller General and the appropriate Secretary, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in the preceding subsection of this section, have access (for the purpose of audit and examination) to any books, documents, papers, and records of such recipients which in the opinion of the Comptroller General or the appropriate Secretary may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to in the preceding subsection.

(c) Each recipient of Federal financial assistance referred to in subsection (a) of this section shall make such reports and information available to the Indian people served or represented by such recipient as and in a manner determined to be adequate by the appropriate Secretary.

(d) Any funds paid to a financial assistance recipient referred to in subsection (a) of this section and not expended or used for the

purposes for which paid shall be repaid to the Treasury of the United States.

PENALTIES

SEC. 6. Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract, subcontract, grant, or subgrant pursuant to this Act or the Act of April 16, 1934 (48 Stat. 596), as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a grant, subgrant, contract, or subcontract, shall be fined not more than $10,000 or imprisoned for not more than two years, or both, but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

WAGE AND LABOR STANDARDS

SEC. 7. (a) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting or decorating of buildings or other facilities in connection with contracts or grants entered into pursuant to this Act, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. With respect to construction, alteration, or repair work to which the Act of March 3, 1921 is applicable under the terms of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (48 Stat. 948, 40 U.S.C. 276c).

(b) Any contract, subcontract, grant, or subgrant pursuant to this Act, the Act of April 16, 1934 (48 Stat. 596), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible—

(1) preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) preference in the award of subcontracts and subgrants in connection with the administration of such contracts of grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

CARRYOVER OF FUNDS

SEC. 8. The provisions of any other laws to the contrary notwithstanding, any funds appropriated pursuant to the Act of November 2, 1921 (42 Stat. 208), for any fiscal year which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

TITLE I—INDIAN SELF-DETERMINATION ACT

SEC. 101. This title may be cited as the "Indian Self-Determination Act".

CONTRACTS BY THE SECRETARY OF THE INTERIOR

SEC. 102. (a) The Secretary of the Interior is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, provided for in the Act of April 16, 1934 (48 Stat. 596), as amended by this Act, any other program or portion thereof which the Secretary of the Interior is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (42 Stat. 208), and any Act subsequent thereto: *Provided, however*, That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that: (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory; (2) adequate protection of trust resources is not assured, or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further*, That in arriving at his finding, the Secretary shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance.

(b) Whenever the Secretary declines to enter into a contract or contracts pursuant to subsection (a) of this section, he shall (1) state his objections in writing to the tribe within sixty days, (2) provide to the extent practicable assistance to the tribe or tribal organization to overcome his stated objections, and (3) provide the tribe with a hearing, under such rules and regulations as he may promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

CONTRACTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

SEC. 103. (a) The Secretary of Health, Education, and Welfare is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to carry out any or all of the functions, authorities, and responsibilities under the Act of August 5, 1954 (68 Stat. 674), as amended: *Provided, however*, That the Secretary may initially decline to enter into any

contract requested by an Indian tribe if he finds that (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted for will not be satisfactory; (2) adequate protection of trust resources is not assured; or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further*, That the Secretary of Health, Education, and Welfare, in arriving at his finding, shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance.

(b) Whenever the Secretary of Health, Education, and Welfare declines to enter into a contract or contracts pursuant to subsection (a) of this section, he shall (1) state his objections in writing to the tribe within sixty days; (2) provide, to the extent practicable, assistance to the tribe or tribal organization to overcome his stated objections; and (3) provide the tribe with a hearing, under such rules and regulations as he shall promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary of Health, Education, and Welfare is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

GRANTS TO INDIAN TRIBAL ORGANIZATIONS

SEC. 104. (a) The Secretary of the Interior is authorized, upon the request of any Indan tribe (from funds appropriated for the benefit of Indians pursuant to the Act of November 2, 1921 (42 Stat. 208), and any Act subsequent thereto) to contract with or make a grant or grants to any tribal organization for—

(1) the strengthening or improvement of tribal government (including, but not limited to, the development, improvement, and administration of planning, financial management, or merit personnel systems; the improvement of tribally funded programs or activities; or the development, construction, improvement, maintenance, preservation, or operation of tribal facilities or resources);

(2) the planning, training, evaluation of other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 102 of this Act and the additional costs associated with the initial years of operation under such a contract or contracts;

(3) the acquisition of land in connection with items (1) and (2) above: *Provided*, That in the case of land within reservation boundaries or which adjoins on at least two sides lands held in trust by the United States for the tribe or for individual Indians, the Secretary of Interior may (upon request of the tribe) acquire such land in trust for the tribe; or

(4) the planning, designing, monitoring, and evaluating of Federal programs serving the tribe.

(b) The Secretary of Health, Education, and Welfare may, in accordance with regulations adopted pursuant to section 107 of this Act, make grants to any Indian tribe or tribal organization for—

(1) the development, construction, operation, provision, or maintenance of adequate health facilities or services including the training of personnel for such work, from funds appropriated to the Indian Health Service for Indian health services or Indian health facilities; or

(2) planning, training, evaluation or other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 103 of this Act.

(c) The provisions of any other Act notwithstanding, any funds made available to a tribal organization under grants pursuant to this section may be used as matching shares for any other Federal grant programs which contribute to the purposes for which grants under this section are made.

PERSONNEL

SEC. 105. (a) Section 3371(2) of chapter 33 of title 5, United States Code, is amended (1) by deleting the word "and" immediately after the semicolon in clause (A); (2) by deleting the period at the end of clause (B) and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding at the end thereof the following new clause:

"(C) any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and includes any tribal organizations as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act."

(b) The Act of August 5, 1954 (68 Stat. 674), as amended, is further amended by adding a new section 8 after section 7 of the Act, as follows:

"SEC. 8. In accordance with subsection (d) of section 214 of the Public Health Service Act (58 Stat. 690), as amended, upon the request of any Indian tribe, band, group, or community, commissioned officers of the Service may be assigned by the Secretary for the purpose of assisting such Indian tribe, group, band, or community in carrying out the provisions of contracts with, or grants to, tribal organizations pursuant to section 102, 103, or 104 of the Indian Self-Determination and Education Assistance Act".

(c) Paragraph (2) of subsection (a) of section 6 of the Military Selective Service Act of 1967 (81 Stat. 100), as amended, is amended by inserting after the words "Environmental Science Services Adminis-

tration" the words "or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended".

(d) Section 502 of the Intergovernmental Personnel Act of 1970 (84 Stat. 1909, 1925) is amended—

(1) by deleting the word "and" after paragraph (3);

(2) by deleting the period after paragraph (4) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) Notwithstanding the population requirements of section 203(a) and 303(c) of this Act, a 'local government' and a 'general local government' also mean the recognized governing body of an Indian tribe, band, pueblo, or other organized group or community, including any Alaska Native village, as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which performs substantial governmental functions. The requirements of sections 203(c) and 303(d) of this Act, relating to reviews by the Governor of a State, do not apply to grant applications from the governing body of an Indian tribe, although nothing in this Act is intended to discourage or prohibit voluntary communication and cooperation between Indian tribes and State and local governments."

(e) Notwithstanding any other law, executive order, or administrative regulation, an employee serving under an appointment not limited to one year or less who leaves Federal employment to be employed by a tribal organization on or before December 31, 1985, in connection with governmental or other activities which are or have been performed by employees in or for Indian communities is entitled, if the employee and the tribal organizations so elect, to the following:

(1) To retain coverage, rights, and benefits under subchapter I of chapter 81 ("Compensation for Work Injuries") of title 5, United States Code, and for this purpose his employment with the tribal organization shall be deemed employment by the United States. However, if an injured employee, or his dependents in case of his death, receives from the tribal organization any payment (including an allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the tribal organization, or other benefit of any kind) on account of the same injury or death, the amount of that payment shall be credited against any benefit payable under subchapter I of chapter 81 of title 5, United States Code, as follows:

(A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and

(B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employee.

(2) To retain coverage, rights, and benefits under chapter 83 ("Retirement") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Civil Service Retirement and Disability Fund (section 8348 of title 5, United

States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under section 8332 of title 5, United States Code. Days of unused sick leave to the credit of an employee under a formal leave system at the time the employee leaves Federal employment to be employed by a tribal organization remain to his credit for retirement purposes during covered service with the tribal organization.

(3) To retain coverage, rights, and benefits under chapter 89 ("Health Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Employee's Health Benefit Fund (section 8909 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 89 of title 5, United States Code.

(4) To retain coverage, rights, and benefits under chapter 87 ("Life Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal organizations are currently deposited in the Employee's Life Insurance Fund (section 8714 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of title 5, United States Code.

(f) During the period an employee is entitled to the coverage, rights, and benefits pursuant to the preceding subsection, the tribal organization employing such employee shall deposit currently in the appropriate funds the employee deductions and agency contributions required by paragraphs (2), (3), and (4) of such preceding subsection.

(g) An employee who is employed by a tribal organization under subsection (e) of this section and such tribal organization shall make the election to retain the coverages, rights, and benefits in paragraphs (1), (2), (3), and (4) of such subsection (e) before the date of his employment by a tribal organization. An employee who is employed by a tribal organization under subsection (e) of this section shall continue to be entitled to the benefits of such subsection if he is employed by another tribal organization to perform service in activities of the type described in such subsection.

(h) For the purposes of subsection (e), (f), and (g) of this section, the term "employee" means an employee as defined in section 2105 of title 5, United States Code.

(i) The President may prescribe regulations necessary to carry out the provisions of subsections (e), (f), (g), and (h) of this section and to protect and assure the compensation, retirement, insurance, leave, reemployment rights, and such other similar civil service employment rights as he finds appropriate.

(j) Anything in sections 205 and 207 of title 18, United States Code to the contrary not withstanding, officers and employees of the United States assigned to an Indian tribe as authorized under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48) and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or appear

on behalf of such tribes in connection with any matter pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: *Provided*, That each such officer or employee or former officer or employee must advise in writing the head of the department, agency, court, or commission with which he is dealing or appearing on behalf of the tribe of any personal and substantial involvement he may have had as an officer or employee of the United States in connection with the matter involved.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) Contracts with tribal organizations pursuant to sections 102 and 103 of this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the appropriate Secretary, such contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended: *Provided*, That the appropriate Secretary may waive any provisions of such contracting laws or regulations which he determines are not appropriate for the purposes of the contract involved or inconsistent with the provisions of this Act.

(b) Payments of any grants or under any contracts pursuant to section 102, 103, or 104 of this Act may be made in advance or by way of reimbursement and in such installments and on such conditions as the appropriate Secretary deems necessary to carry out the purposes of this title. The transfer of funds shall be scheduled consistent with program requirements and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by the tribal organization, whether such disbursement occurs prior to or subsequent to such transfer of funds. Tribal organizations shall not be held accountable for interest earned on such funds, pending their disbursement by such organization.

(c) Any contract requested by a tribe pursuant to sections 102 and 103 of this Act shall be for a term not to exceed one year unless the appropriate Secretary determines that a longer term would be advisable: *Provided*, That such term may not exceed three years and shall be subject to the availability of appropriations: *Provided further*, That the amounts of such contracts may be renegotiated annually to reflect factors, including but not limited to cost increases beyond the control of a tribal organization.

(d) Notwithstanding any provision of law to the contrary, the appropriate Secretary may, at the request or consent of a tribal organization, revise or amend any contract or grant made by him pursuant to section 102, 103, or 104 of this Act with such organization as necessary to carry out the purposes of this title: *Provided, however*, That whenever an Indian tribe requests retrocession of the appropriate Secretary for any contract entered into pursuant to this Act, such retrocession shall become effective upon a date specified by the appropriate Secretary not more than one hundred and twenty days from the date of the request by the tribe or at such later date as may be mutually agreed to by the appropriate Secretary and the tribe.

(e) In connection with any contract or grant made pursuant to section 102, 103, or 104 of this Act, the appropriate Secretary may per-

mit a tribal organization to utilize, in carrying out such contract or grant, existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within his jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

(f) The contracts authorized under sections 102 and 103 of this Act and grants pursuant to section 104 of this Act may include provisions for the performance of personal services which would otherwise be performed by Federal employees including, but in no way limited to, functions such as determination of eligibility of applicants for assistance, benefits, or services, and the extent or amount of such assistance, benefits, or services to be provided and the provisions of such assistance, benefits, or services, all in accordance with the terms of the contract or grant and applicable rules and regulations of the appropriate Secretary: *Provided*, That the Secretary shall not make any contract which would impair his ability to discharge his trust responsibilities to any Indian tribe or individuals.

(g) Contracts and grants with tribal organizations pursuant to sections 102 103, and and 104 of this Act and the rules and regulations adopted by the Secretaries of the Interior and Health, Education, and Welfare pursuant to section 107 of this Act shall include provisions to assure the fair and uniform provision by such tribal organizations of the services and assistance they provide to Indians under such contracts and grants.

(h) The amount of funds provided under the terms of contracts entered into pursuant to sections 102 and 103 shall not be less than the appropriate Secretary would have otherwise provided for his direct operation of the programs or portions thereof for the period covered by the contract: *Provided*, That any savings in operation under such contracts shall be utilized to provide additional services or benefits under the contract.

PROMULGATION OF RULES AND REGULATIONS

SEC. 107. (a) The Secretaries of the Interior and of Health, Education, and Welfare are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purposes of carrying out the provisions of this title.

(b) (1) Within six months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall each to the extent practicable, consult with national and regional Indian organizations to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall each present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall publish proposed rules and regulations in

the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall promulgate rules and regulations to implement the provisions of this title.

(c) The Secretary of the Interior and the Secretary of Health, Education, and Welfare are authorized to revise and amend any rules or regulations promulgated pursuant to this section: *Provided*, That prior to any revision or amendment to such rules or regulations, the respective Secretary or Secretaries shall present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives and shall, to the extent practicable, consult with appropriate national or regional Indian organizations and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

REPORTS

SEC. 108. For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this title, the Indian tribe which requested such contract or grant shall submit to the appropriate Secretary a report including, but not limited to, an accounting of the amounts and purposes for which Federal funds were expended, information on the conduct of the program or service involved, and such other information as the appropriate Secretary may request.

REASSUMPTION OF PROGRAMS

SEC. 109. Each contract or grant agreement entered into pursuant to sections 102, 103, and 104 of this Act shall provide that in any case where the appropriate Secretary determines that the tribal organization's performance under such contract or grant agreement involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any persons; or (2) gross negligence or mismanagement in the handling or use of funds provided to the tribal organization pursuant to such contract or grant agreement, such Secretary may, under regulations prescribed by him and after providing notice and hearing to such tribal organization, rescind such contract or grant agreement and assume or resume control or operation of the program, activity, or service involved if he determines that the tribal organization has not taken corrective action, as prescribed by him: *Provided*, That the appropriate Secretary may, upon notice to a tribal organization, immediately rescind a contract or grant and resume control or operation of a program, activity, or service if he finds that there is an immediate threat to safety and, in such cases, he shall hold a hearing on such action within ten days thereof. Such Secretary may decline to enter into a new contract or grant agreement and retain control of such program, activity, or service until such time as he is satisfied that the violations of rights or endangerment of health, safety, or welfare which necessitated the rescission has been corrected. Nothing in this

section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

EFFECT ON EXISTING RIGHTS

SEC. 110. Nothing in this Act shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe; or

(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

TITLE II—THE INDIAN EDUCATION ASSISTANCE ACT

SEC. 201. This title may be cited as the "Indian Education Assistance Act".

PART A—EDUCATION OF INDIANS IN PUBLIC SCHOOLS

SEC. 202.

* * * * * * *

(Note.—Sec. 202 was an amendment to the Johnson-O'Malley Act, Public Law 167, 73rd Congress, as amended. See p. 55, for the text of this Act.)

* * * * * * *

SEC. 203. After conferring with persons competent in the field of Indian education, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall prepare and submit to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives not later than October 1, 1975, a report which shall include:

(1) a comprehensive analysis of the Act of April 16, 1934 (48 Stat. 596), as amended, including—

(A) factors determining the allocation of funds for the special or supplemental educational programs of Indian students and current operating expenditures;

(B) the relationship of the Act of April 16, 1934 (48 Stat. 596), as amended, to—

(i) title I of the Act of September 30, 1950 (64 Stat. 1100), as amended; and

(ii) the Act of April 11, 1965 (79 Stat. 27), as amended; and

(iii) title IV of the Act of June 23, 1972 (86 Stat. 235); and

(iv) the Act of September 23, 1950 (72 Stat. 548), as amended.

(2) a specific program to meet the special educational needs of Indian children who attend public schools. Such program shall include, but need not be limited to, the following:

(A) a plan for the equitable distribution of funds to meet the special or supplemental educational needs of Indian children and, where necessary, to provide general operating expenditures to schools and school districts educating Indian children; and

(B) an estimate of the cost of such program;

(3) detailed legislative recommendations to implement the program prepared pursuant to clause (2); and

(4) a specific program, together with detailed legislative recommendations, to assist the development and administration of Indian-controlled community colleges.

PART B—SCHOOL CONSTRUCTION

SEC. 204. (a) The Secretary is authorized to enter into a contract or contracts with any State education agency or school district for the purpose of assisting such agency or district in the acquisition of sites for, or the construction, acquisition, or renovation of facilities (including all necessary equipment) in school districts on or adjacent to or in close proximity to any Indian reservation or other lands held in trust by the United States for Indians, if such facilities are necessary for the education of Indians residing on any such reservation or lands.

(b) The Secretary may expend not less than 75 per centum of such funds as are authorized and appropriated pursuant to this part B on those projects which meet the eligibility requirements under subsections (a) and (b) of section 14 of the Act of September 23, 1950 (72 Stat. 548), as amended. Such funds shall be allocated on the basis of existing funding priorities, if any, established by the United States Commissioner of Education under subsections (a) and (b) of section 14 of the Act of September 23, 1950, as amended. The United States Commissioner of Education is directed to submit to the Secretary, at the beginning of each fiscal year, commencing with the first full fiscal year after the date of enactment of this Act, a list of those projects eligible for funding under subsection (a) and (b) of section 14 of the Act of September 23, 1950, as amended.

(c) The Secretary may expend not more than 25 per centum of such funds as may be authorized and appropriated pursuant to this part B on any school eligible to receive funds under section 208 of this Act.

(d) Any contract entered into by the Secretary pursuant to this section shall contain provisions requiring the relevant State educational agency to—

(1) provide Indian students attending any such facilities constructed, acquired, or renovated, in whole or in part, from funds made available pursuant to this section with standards of education not less than those provided non-Indian students in the school district in which the facilities are situated; and

(2) meet, with respect to such facilities, the requirements of the State and local building codes, and other building standards set by the State educational agency or school district for other public school facilities under its jurisdiction or control or by the local government in the jurisdiction within which the facilities are situated.

(e) The Secretary shall consult with the entity designated pursuant to section 5 of the Act of April 16, 1934 (48 Stat. 596), as amended by this Act, and with the governing body of any Indian tribe or tribes the educational opportunity for the members of which will be significantly affected by any contract entered into pursuant to this section.

Such consultation shall be advisory only, but shall occur prior to the entering into of any such contract. The foregoing provisions of this subsection shall not be applicable where the application for a contract pursuant to this section is submitted by an elected school board of which a majority of its members are Indians.

(f) Within ninety days following the expiration of the three year period following the date of the enactment of this Act, the Secretary shall evaluate the effectiveness of the program pursuant to this section and transmit a report of such evaluation to the Congress. Such report shall include—

(1) an analysis of construction costs and the impact on such costs of the provisions of subsection (f) of this section and the Act of March 3, 1921 (46 Stat. 1491), as amended;

(2) a description of the working relationship between the Department of the Interior and the Department of Health, Education, and Welfare, including any memorandum of understanding in connection with the acquisition of data pursuant to subsection (b) of this section;

(3) projections of the Secretary of future construction needs of the public schools serving Indian children residing on or adjacent to Indian reservations;

(4) a description of the working relationship of the Department of the Interior with local or State educational agencies in connection with the contracting for construction, acquisition, or renovation of school facilities pursuant to this section; and

(5) the recommendations of the Secretary with respect to the transfer of the responsibility for administering subsections (a) and (b) of section 14 of the Act of September 23, 1950 (72 Stat. 548), as amended, from the Department of Health, Education, and Welfare to the Department of the Interior.

(g) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated the sum of $35,000,000 for the fiscal year ending June 30, 1974; $35,000,000 for each of the four succeeding fiscal years; and thereafter, such sums as may be necessary, all of such sums to remain available until expended.

PART C—GENERAL PROVISIONS

SEC. 205. No funds from any grant or contract pursuant to this title shall be made available to any school district unless the Secretary is satisfied that the quality and standard of education, including facilities and auxiliary services, for Indian students enrolled in the schools of such district are at least equal to that provided all other students from resources, other than resources provided in this title, available to the local school district.

SEC. 206. No funds from any contract or grant pursuant to this title shall be made available by any Federal agency directly to other than public agencies and Indian tribes, institutions, and organizations: *Provided*, That school districts, State education agencies, and Indian tribes, institutions, and organizations assisted by this title may use funds provided herein to contract for necessary services with any appropriate individual, organization, or corporation.

SEC. 207. (a) (1) Within six months from the date of enactment of this Act, the Secretary shall, to the extent practicable, consult with national and regional Indian organizations with experiences in Indian education to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from the date of enactment of this Act, the Secretary shall present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from the date of enactment of this Act, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from the date of enactment of this Act, the Secretary shall promulgate rules and regulations to implement the provisions of this title.

(b) The Secretary is authorized to revise and amend any rules or regulations promulgated pursuant to subsection (a) of this section: *Provided*, That prior to any revision or amendment to such rules or regulations the Secretary shall, to the extent practicable, consult with appropriate national and regional Indian organizations, and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

SEC. 208. The Secretary is authorized and directed to provide funds, pursuant to this Act: the Act of April 16, 1934 (48 Stat. 596), as amended: or any other authority granted to him to any tribe or tribal organization which controls and manages any previously private school. The Secretary shall transmit annually to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives a report on the educational assistance program conducted pursuant to this section.

SEC. 209. The assistance provided in this Act for the education of Indians in the public schools of any State is in addition and supplemental to assistance provided under title IV of the Act of June 23, 1972 (86 Stat. 235).

Enacted Jan. 4, 1975, P.L. 93-638, 88 Stat. 2217.

REORGANIZATION PLAN NO. 3 OF 1950 [1]

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949

DEPARTMENT OF THE INTERIOR

SECTION 1. *Transfer of functions to the Secretary.*— (a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of the Interior all functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department.

[1] The Reorganization Plan No. 3 of 1950 transfers to the Secretary of the Interior all duties and authorities of the Commissioner of Indian Affairs.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of the Interior, nor to the functions of the Virgin Islands Corporation or of its board of directors or officers.

SEC. 2. *Performance of functions of Secretary.*— The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. *Assistant Secretary of the Interior.*—There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of Executive departments.

SEC. 4. *Administrative Assistant Secretary.*—There shall be in the Department of the Interior an Administrative Assistant Secretary of the Interior, who shall be appointed, with the approval of the President, by the Secretary of the Interior under the classified civil service, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate of $14,000 per annum.

SEC. 5. *Incidental transfers.*—The Secretary of the Interior may from time to time effect such transfers within the Department of the Interior of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

(Effective May 24, 1950.)

SUBPART B—SELECTED PRIMARY UNITED STATES CODE CITATIONS CONCERNING EDUCATION

UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 2—OFFICERS OF INDIAN AFFAIRS

* * * * * * *

§ 47. Employment of Indian labor and purchase of products of Indian industry.

So far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior. (Apr. 30, 1908, ch. 153, 35 Stat. 71; June 25, 1910, ch. 431, § 23, 36 Stat. 861.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Standards for Indians appointed to Indian Office, see section 472 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 564h, 697, 747, 797, 843 of this title.

§ 48. Right of tribes to direct employment of persons engaged for them.

Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribes. (R.S. § 2072.)

DERIVATION

Act June 30, 1834, ch. 162, § 9, 4 Stat. 737.

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UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 4—PERFORMANCE BY UNITED STATES OF OBLIGATIONS TO INDIANS

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§ 104. Purchase of articles manufactured at schools.

The Secretary of the Interior is authorized, whenever it can be done advantageously, to purchase for use in the Indian Service, from Indian manual and training schools, in the manner customary among individuals such articles as may be manufactured at such schools, and which are used in the Indian Service. Accounts of such transactions shall be kept in the Indian Bureau and in the training schools, and reports thereof made from time to time. (May 11, 1880, ch. 85, § 1, 21 Stat. 131.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Effective Jan. 1, 1947, the name of the Procurement Division of the Treasury Department was changed to the Bureau of Federal Supply by regulation § 5.7 of subpart A of Part 5 of Title 41, Public Contracts, 11 F.R. 13638, issued by the Secretary of the Treasury under the authority of section 301 of Title 5, Government Organization and Employees. The functions of Bureau of Federal Supply were transferred to the Administrator of General Services by section 102 of act June 30, 1949, ch. 288, title I, 63 Stat. 380. See section 752 of Title 40, Public Buildings, Property, and Works.

The function of determination of policies and methods of procurement, warehousing, and distribution of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency was transferred to a Procurement Division in the Treasury Department by Ex. Ord. No. 6166, June 10, 1933, set out in note to section 901 of Title 5, Government Organization and Employees.

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§ 123. Expenditure from tribal funds without specific appropriations.

No money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are continued in full force and effect: *Provided*, That this shall not change existing law with reference to the Five Civilized Tribes. (May 18, 1916, ch. 125, § 27, 39 Stat. 158.)

CROSS REFERENCES

Insurance for protection of tribal property authorized to be paid for out of tribal funds, see section 123a of this title.

Trust funds on deposit in Treasury, see section 725s of Title 31, Money and Finance, and note thereto.

SECTION REFERRED TO IN OTHER SECTIONS

This section referred to in section 155 of this title.

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UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 6—GOVERNMENT OF INDIAN COUNTRY AND RESERVATIONS

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§ 231. Enforcement of State laws affecting health and education; entry of State employees on Indian lands.

The Secretary of the Interior, under such rules and regulations as he may prescribe, shall permit the agents and employees of any State to enter upon Indian tribal lands, reservations, or allotments therein (1) for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or (2) to enforce the penalties of State compulsory school attendance laws against Indian children, and parents, or other persons in loco parentis except that this subparagraph (2) shall not apply to Indians of any tribe in which a duly constituted governing body exists until such body has adopted a resolution consenting to such application. (Feb. 15, 1929, ch. 216, 45 Stat. 1185; Aug. 9, 1946, ch. 930, 60 Stat. 962.)

AMENDMENTS

1946—Act Aug. 9, 1946, permitted the proper State officers to invoke the penalties of State compulsory school attendance against Indian children, their parents, or other persons in loco parentis.

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UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 7—EDUCATION OF INDIANS

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§ 278a. Use of appropriated funds for education in sectarian schools prohibited; exceptions.

Funds appropriated on or after March 30, 1968, to the Secretary of the Interior for the education of Indian children shall not be used for the education of such children in elementary and secondary education programs in sectarian schools. This prohibition shall not apply to the education of Indians in accredited institutions of higher education and in other accredited schools offering vocational and technical training, but no scholarship aid provided for an Indian student shall require him to attend an institution or school that is not of his own free choice, and such aid shall be, to the extent consistent with sound administration, extended to the student individually rather than to the institution or school. (Pub. L. 90-280, § 2, Mar. 30, 1968, 82 Stat. 71.)

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§ 297. Expenditure for children with less than one-fourth Indian blood.

No appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided. (May 25, 1918, ch. 86, § 1, 40 Stat. 564.)

EXCEPTION TO RESTRICTION

Interior Department Appropriation Act, 1923, act May 24, 1922, ch. 199, 42 Stat. 576, provided that the appropriation for aid to the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw

Agency in Oklahoma, shall not be subject to this section, limiting the expenditure of money to educate children of less than one-fourth Indian blood.

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UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 7A—PROMOTION OF SOCIAL AND ECONOMIC WELFARE

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§ 307. Establishment of vocational school for children and housing and training center for adults; transfer of property; supervision.

The Administrator of General Services is authorized and directed to transfer to the Secretary of the Interior, without reimbursement or transfer of funds for use by the Bureau of Indian Affairs as a vocational school for Indian children and a center for housing and training adult Indians for off-reservation employment and placement, the property known as the Bushnell General Hospital near Brigham City, Box Elder County, Utah, comprising two hundred and ninety-eight and five-tenths acres, more or less, together with roads, buildings, and other betterments thereon. (Mar. 17, 1949, ch. 22, § 1, 63 Stat. 14; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

The functions, records, property, etc., of the War Assets Administration were transferred to the General Services Administration and the War Assets Administration was abolished by section 105 of act June 30, 1949, ch. 288, title I, 63 Stat. 379.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings Property, and Works.

§ 308. Same; property taken over by Secretary of the Interior.

The Secretary of the Interior is authorized and directed to take over the property as soon as Congress has appropriated the necessary funds to provide for alterations, maintenance, and operation. (Mar. 17, 1949, ch. 22, § 2, 63 Stat. 14.)

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UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 14—MISCELLANEOUS

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§ 471. Vocational and trade schools; appropriation for tuition.

There is authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to

Indians for the payment of tuition and other expenses in recognized vocational and trade schools: *Provided*, That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs. (June 18, 1934, ch. 576, § 11, 48 Stat. 986.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262; set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Right-of-way grant, consent of tribal officials, see section 324 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 70a, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 507, 704, 723, 725, 728, 758, 823 of this title.

§ 472. Standards for Indians appointed to Indian Office.

The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions. (June 18, 1934, ch. 576, § 12, 48 Stat. 986.)

REFERENCE IN TEXT

The civil-service laws, referred to in text, are classified generally to Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Employment of Indians, see sections 44, 45, 46, 47 of this title.
Right-of-way grant, consent of tribal officials, see section 324 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 70a, 443, 463, 464, 465, 467, 468, 469, 470a, 473, 474, 475, 475a, 478, 478a, 478b, 479, 480, 482, 483, 507, 704, 723, 725, 728, 758, 823 of this title.

SUBPART C—ADDITIONAL UNITED STATES CODE CITATIONS CONCERNING EDUCATION

UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 2—OFFICERS OF INDIAN AFFAIRS

* * * * * * *

§ 33. Superintendents in charge of reservations; administration of oath of office.

Superintendents and acting superintendents in charge of Indian reservations, schools, irrigation and allotment projects are authorized and empowered to administer the oath of office required of employees placed under their jurisdiction. (June 30, 1913, ch. 4, § 1, 38 Stat. 80.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

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§ 36. Special agents and other officers to administer oaths.

Each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian Service, and all such other persons as may be deemed necessary and proper. (Mar. 1, 1899, ch. 324, § 1, 30 Stat. 927.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

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§ 66. Duties of agency devolved on superintendent of Indian school.

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency.

The pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding $600 per annum. (As amended June 6, 1972, Pub. L. 92-310, title II, § 229(d), 86 Stat. 208.)

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AMENDMENTS

1972—Pub. L. 92-310 eliminated provisions which required the superintendent of the Indian school to give a bond as other Indian agents.

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UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 4—PERFORMANCE BY UNITED STATES OF OBLIGATIONS TO INDIANS

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§ 101. Payment for wagon transportation.

All wagon transportation from the point where delivery is made by the last common carrier to the agency, school, or elsewhere, and between points on the reservation or elsewhere, shall be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased. (June 30, 1913, ch. 4, § 1, 38 Stat. 79.)

TRANSFER OF FUNCTIONS

Effective Jan. 1, 1947, the name of the Procurement Division of the Treasury Department was changed to the Bureau of Federal Supply by regulation § 5.7 of subpart A of Part 5 of Title 41, Public Contracts, 11 F. R. 13638, issued by the Secretary of the Treasury under the authority of section 301 of Title 5, Government Organization and Employees. The functions of Bureau of Federal Supply were transferred to the Administrator of General Services by section 102 of act June 30, 1949, ch. 288, title I, 63 Stat. 380. See section 752 of Title 40, Public Buildings, Property, and Works.

The function of determination of policies and methods of procurement, warehousing, and distribution of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency was transferred to a Procurement Division in the Treasury Department by Ex. Ord. No. 6166, June 10, 1933, set out in note to section 901 of Title 5, Government Organization and Employees.

§ 102. Payment of costs for furnishing coal for Indian Service.

The cost of inspection, storage, transportation, and so forth, of coal for the Indian Service shall be paid from the support fund of the school or agency for which the coal is purchased. (Feb. 14, 1920, ch. 75, § 1, 41 Stat. 412.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of act June 30, 1949, ch. 288, title I, 63 Stat. 381. Section 104(a) is now covered by section 2102 of Title 44, Public Printing and Documents.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

* * * * * * *

§ 155. Disposal of miscellaneous revenues from Indian reservations, etc.

All miscellaneous revenues derived from Indian reservations, agencies, and schools, except those of the Five Civilized Tribes and not the result of the labor of any member of such tribe, which are not required by existing law to be otherwise disposed of, shall be covered into the Treasury of the United States under the caption "Indian moneys, proceeds of labor", and are made available for expenditure, in the discretion of the Secretary of the Interior, for the benefit of the Indian tribes, agencies, and schools on whose behalf they are collected, subject, however, to the limitations as to tribal funds, imposed by sections 123 and 142 of this title. (Mar. 3, 1883, ch. 141, § 1, 22 Stat. 590; Mar. 2, 1887, ch. 320, 24 Stat. 463; May 17, 1926, ch. 309, § 1, 44 Stat. 560; May 29, 1928, ch. 901, § 1, 45 Stat. 991.)

REFERENCES IN TEXT

Section 142 of this title, referred to in text, was repealed by act May 29, 1928, ch. 901, § 1, 45 Stat. 986, 992.

REPEALS

Act May 29, 1928 repealed the provisions of acts Mar. 3, 1883 and Mar. 2, 1887, which related to Indian moneys, proceeds of labor.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2 eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Acquisition of Indian lands, payment for, see section 835e of Title 16, Conservation.

Indian moneys, proceeds of labor to be classified on books of Treasury as trust fund, see section 725s of Title 31, Money and Finance.

Tribal funds included in fund "Indian Money, Proceeds of Labor" to be carried in Treasury Department in separate accounts for the respective tribes, see section 161b of this title.

Ute Indians, division of trust funds, shares to be credited to existing accounts established pursuant to this section, see section 672 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 597a, 672 of this title.

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UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 7—EDUCATION OF INDIANS

§ 271. Employment of instructors for Indians.

The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation: and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct,

in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress. (R. S. § 2071.)

DERIVATION

Act Mar. 3, 1819, ch. 85, 3 Stat. 516.

CROSS REFERENCES

Education of Indians, provisions for, see sections 452–454 and 471 of this title.

§ 272. Superintendent of Indian schools.

There shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be Superintendent of Indian Schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs, what, in his judgment are the defects, if any, in any of them in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior. (Mar. 2, 1889, ch. 412, § 10, 25 Stat. 1003.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 272a. Same; other duties.

The Superintendent of Indian schools shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior. (Mar. 3, 1905, ch. 1479, § 1, 33 Stat. 1049.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 273. Detail of Army officer.

The Secretary of the Army shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty with reference to Indian education. (June 23, 1879, ch. 35, § 7, 21 Stat. 35.)

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011–3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

CROSS REFERENCES

Vacant military posts or barracks to be used as schools. Army officer to be detailed for duty at each school so established, see section 276 of this title.

§ 274. Employment of Indian girls and boys as assistants.

The Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so. (June 7, 1897, ch. 3, § 1, 30 Stat. 83.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Preference to Indians qualified for duties, see section 45 of this title.
Standards for Indian employees, see section 472 of this title.

§ 275. Leaves of absence to employees.

Teachers in schools operated by the Bureau of Indian Affairs may be allowed, in addition to annual leave, educational leave not to exceed thirty workdays per calendar year, or sixty workdays in every alternate year, for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the Government requires, under such regulations as the Secretary of the Interior may prescribe; and no additional salary or expense on account of such leave of absence shall be incurred. (Aug. 24, 1912, ch. 388, § 1, 37 Stat. 519; Aug. 24, 1922, ch. 286, 42 Stat. 829; May 8, 1928, ch. 510, 45 Stat. 493; July 10, 1957, Pub. L. 85–89, 71 Stat. 282.)

CODIFICATION

Act Aug. 24, 1922 increased the educational leave allowance from 15 to 30 days.

AMENDMENTS

1957—Pub. L. 85–89 substituted "Teachers in schools operated by the Bureau of Indian Affairs" for "Teachers of the Indian schools and physicians of the Indian Service".

1928—Act May 8, 1928, made the section applicable to physicians of the Indian Service.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the perfomance of any of his functions by any of those officers, agencies, and employees by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Reduction in leaves of absence of Government employees, see chapter 63 of Title 5, Government Organization and Employees.

§ 276. Vacant military posts or barracks for schools; detail of Army officers.

The Secretary of the Army is authorized to set aside, for use in the establishment of normal and industrial training schools for Indian

63-794—76——7

youth from the nomadic tribes having educational treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established: *Provided*, That moneys appropriated or to be appropriated for general purposes of education among the Indians may be expended, under the direction of the Secretary of the Interior, for the education of Indian youth at such posts, institutions, and schools as he may consider advantageous, or as Congress from time to time may authorize and provide. (July 31, 1882, ch. 363, 22 Stat. 181.)

CODIFICATION

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10., 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011-3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECRETARY OF THE AIR FORCE

For transfer of certain functions relating to real property under the jurisdiction of the Department of the Air Force from the Secretary of the Army to the Secretary of the Air Force, see Secretary of Defense Transfer Order Nos. 11 [§ 2(29)], eff. July 1, 1948, and 40 [App. A(53)], July 22, 1949.

CROSS REFERENCES

Detail of Army officer, see section 273 of this title.

§ 277. Former Apache military post established as Theodore Roosevelt Indian School.

The Secretary of the Interior is authorized to establish and maintain the former Fort Apache military post as an Indian boarding school for the purpose of carrying out treaty obligations, to be known as the Theodore Roosevelt Indian School: *Provided*, That the Fort Apache military post, and land appurtenant thereto, shall remain in the possession and custody of the Secretary of the Interior so long as they shall be required for Indian school purposes. (Jan. 24, 1923, ch. 42, 42 Stat. 1187.)

LANDS HELD IN TRUST FOR WHITE MOUNTAIN APACHE TRIBE

Pub. L. 86-392, Mar. 18, 1960, 74 Stat. 8, provided: "That all right, title, and interest of the United States in and to the lands, together with the improvements thereon, included in the former Fort Apache Military Reservation, created by Executive order of February 1, 1877, and subsequently set aside by the Act of January 24, 1923 (42 Stat. 1187) [this section], as a site for the Theodore Roosevelt School, located within the boundaries of the Fort Apache Indian Reservation, Arizona, are hereby declared to be held by the United States in trust for the White Mountain Apache Tribe, subject to the right of the Secretary of the Interior to use any part of the land and improvements for administrative or school purposes for as long as they are needed for that purpose."

§ 278. Repealed. Pub. L. 90-280, § 1, Mar. 30, 1968, 82 Stat. 71.

Section, act Mar. 2, 1917, ch. 146, § 21, 39 Stat. 988, declared the settled policy of the Government to be opposed to the making of any appropriations whatever

out of the Treasury of the United States for the education of Indian children in any sectarian school. See section 278a of this title.

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§ 279. Rations to mission schools.

Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein, the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents. (June 21, 1906, ch. 3504, 34 Stat. 326.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 280. Patents of lands to missionary boards of religious organizations.

The Secretary of the Interior is authorized and directed to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as were prior to September 21, 1922, set apart to and were on that date being actually and beneficially used and occupied by such organization solely for mission or school purposes, the area so patented to not exceed one hundred and sixty acres to any one organization at any station: *Provided*, That such patent shall provide that when no longer used for mission or school purposes said lands shall revert to the Indian owners. (Sept. 21, 1922, ch. 367, § 3, 42 Stat. 995.)

§ 280a. Land in Alaska for schools or missions; general land laws.

The Indians or persons conducting schools or missions in the Territory of Alaska shall not be disturbed in the possession of any lands actually in their use or occupation on June 6, 1900, and the land, at any station not exceeding six hundred and forty acres, occupied on said date as missionary stations among the Indian tribes in the section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which the missionary stations respectively belong, and the Secretary of the Interior is directed to have such lands surveyed in compact form as nearly as practicable and patents issued for the same to the several societies to which they belong; but nothing contained in this Act shall be construed to put in force in the Territory the general land laws of the United States. (June 6, 1900, ch. 786, § 27, 31 Stat. 330.)

REFERENCES IN TEXT

This Act, referred to in the text, means Act June 6, 1900. For distribution of Title I of Act June 6, 1900, in the Code, see Tables Volume. Title II of such Act provided for the Alaska Civil Code.

SIMILAR PROVISIONS

Similar provisions were contained in act May 17, 1884, ch. 53, § 8, 23 Stat. 26, which provided in part that the Indians or other persons in the district should not be disturbed in the possession of any lands actually in their use or occupa-

tion or claimed by them, but reserved for future legislation the terms under which such persons might acquire title. That section contained a further provision similar to the provision contained in this section, continuing lands occupied as missionary stations in the occupancy of the several religious societies.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73, Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 281. Children taking lands in severalty not excluded.

In the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken or may take lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation. (Aug. 15, 1894, ch. 290, § 1, 28 Stat. 311.)

§ 282. Regulations by Secretary of Interior to secure attendance at school.

The Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools. (Feb. 14, 1920, ch. 75, § 1, 41 Stat. 410.)

§ 283. Regulations for withholding rations for nonattendance at schools.

The Secretary of the Interior may in his discretion, establish such regulations as will prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child or children between the ages of eight and twenty-one years who shall not have attended school during the preceding year in accordance with such regulations. This provision shall not apply to reservations or part of reservations where sufficient school facilities have not been furnished nor until full notice of such regulations shall have been given to the Indians to be affected thereby.

The amount and value of subsistence so withheld shall be credited to the tribe or tribes from whom the same is withheld, to be issued and paid when in the judgment of the Secretary of the Interior they shall have fully complied with such regulations. The Secretary of the Interior may in his discretion withhold rations, clothing, and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of the year. (Mar. 3, 1893, ch. 209, § 1, 27 Stat. 628, 635.)

CROSS REFERENCES

Withholding annuities from Osage Indians for nonattendance at schools, see section 285 of this title.

§ 284. Regulations by Commissioner of Indian Affairs for attendance at schools.

CODIFICATION

Section, act July 13, 1892, ch. 164, § 1, 27 Stat. 143, is now covered by section 282 of this title.

§ 285. Withholding annuities from Osage Indians for nonattendance at schools.

The Commissioner of Indian Affairs is authorized in his discretion to withhold any annuities or other payments due to Osage Indian minors, above six years of age, whose parents fail, neglect, or refuse to place such minors in some established school for a reasonable portion of each year and to keep such children in regular attendance thereof. The Commissioner of Indian Affairs is authorized to make such rules and regulations as may be necessary to put this provision into force and effect. (June 30, 1913, ch. 4, § 18, 38 Stat. 96.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Withholding rations for nonattendance at schools, see section 283 of this title.

§ 286. Sending child to school out of State without consent.

No Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them is living, and if neither of them is living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation. (Aug. 15, 1894, ch. 290, § 11, 28 Stat. 313; Mar. 2, 1895, ch. 188, § 1, 28 Stat. 906.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Indian agents abolished, see note under section 64 of this title.

§ 287. Taking child to school in another State without written consent.

No Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents. (June 10, 1896, ch. 398, § 1, 29 Stat. 345.)

CROSS REFERENCES

Provision preventing Government from issuing expenses of transporting pupils beyond limits of state or territory, see section 290 of this title.

§ 288. White children in Indian day schools.

White children may, under rules and regulations prescribed by the Commissioner of Indian Affairs, be admitted to any Indian day school: *Provided*, That the tuition fees charged for such children shall in no case exceed the tuition fees allowed or charged by the State or county in which such school is situated for the children admitted in the common schools of such State or county: *And provided further*, That all tuition fees paid for white children enrolled in Indian day schools shall be deposited in the United States Treasury to reimburse the funds out of which the schools last mentioned are maintained. (Mar. 1, 1907, ch. 2285, 34 Stat. 1018.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 289. White children in Indian boarding schools.

White children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian boarding schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children so enrolled shall be deposited in the United States Treasury to reimburse the fund out of which the school is supported. (Mar. 3, 1909, ch. 263, 35 Stat. 783.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

No appropriations to be made for education of children of less than one-fourth Indian blood, see section 297 of this title.

§ 290. Transportation of pupils under 14 at Government expense.

No Indian pupil under the age of fourteen years shall be transported at Government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory. (Mar. 3, 1909, ch. 263, 35 Stat. 783.)

§ 291. Removal of Government property at schools.

Where there is Government property on hand at any of the Indian reservations or schools not required for the use or benefit of the Indians of reservation or said schools, the Secretary of the Interior is authorized to move such property to other Indian reservations or schools where it may be required. (Mar. 1, 1907, ch. 2285, 34 Stat. 1016.)

§ 292. Suspension or discontinuance of schools.

The Commissioner of Indian Affairs may, when in his judgment the good of the service will be promoted thereby, suspend or discontinue any reservation Indian school, and, with the approval of the Secretary of the Interior, may sell any reservation school building or plant that is no longer desirable as an Indian school upon any reservation and invest the proceeds in other school buildings and plants, as the needs of the service may demand, with the approval of the Secretary of the Interior, prescribe. (Apr. 21, 1904, ch. 1402, § 1, 33 Stat. 211.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Appropriations, see section 725c of Title 31, Money and Finance.

§ 292a. Discontinuance of boarding and day schools having small attendance.

CODIFICATION

Section, act Mar. 4, 1929, ch. 705, § 1, 45 Stat. 1576, was from the Interior Department Appropriation Act, 1930, and was not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:
1928—Mar. 7, 1928, ch. 137, § 1, 45 Stat. 215.
1927—Jan. 12, 1927, ch. 27, § 1, 44 Stat. 947.
1926—May 10, 1926, ch. 277, § 1, 44 Stat. 468.
1925—Mar. 3, 1925, ch. 462, 43 Stat. 1155.
1924—June 5, 1924, ch. 264, 43 Stat. 404.
1923—Jan. 24, 1923, ch. 42, 42 Stat. 1182.
1922—May 24, 1922, ch. 199, 42 Stat. 562.
1921—Mar. 3, 1921, ch. 119, § 1, 41 Stat. 1227.
1920—Feb. 14, 1920, ch. 75, § 1, 41 Stat. 410.

§ 293. Sale of lands purchased for day school or other Indian administrative cases.

Subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, the Secretary of the Interior is authorized to cause to be sold, to the highest bidder, under such rules and regulations as he may prescribe any tract or part of a tract of land purchased by the United States for day school or other Indian administrative uses, not exceeding one hundred and sixty acres in any one tract, when said land or a part thereof is no longer needed for the original purpose; the proceeds therefrom in all cases to be paid into the Treasury of the United States; title to be evidenced by a patent in fee simple for such lands as can be described in terms of the legal survey, or by deed duly executed by the Secretary of the Interior containing such metes-and-bounds description as will identify the land so conveyed as the land which had been purchased: *Provided*, That where the purchase price was paid from tribal funds, the net proceeds shall be placed in the Treasury of the United States to the credit of the respective tribes of Indians. (Mar. 2, 1917, ch. 146, § 1, 39 Stat. 973; Oct. 31, 1951, ch. 654, § 2(17), 65 Stat. 707.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Titles I–IV and VI–VIII thereof are classified to chapters 10 and 16 of Title 40, Public Buildings, Property, and Works, and chapter 4 of Title 41, Public Contracts. Title V thereof was classified to former chapter 11 of Title 44, Public Printing and Documents, but was repealed in the revision of Title 44 by Pub. L. 90–620, § 3, Oct. 22, 1968, 82 Stat. 1309. The subject matter of such former title V is now covered by chapters 21, 25, 27, 29, and 31 of Title 44.

AMENDMENTS

1951—Act Oct. 31, 1951, inserted the reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, at beginning of section; struck out "net" preceding "proceeds" in clause immediately following first semicolon; and, in the proviso, substituted "the net proceeds" for "such proceeds".

CROSS REFERENCES

Proceeds from transfer, sale, etc., of property, see section 485 of Title 40, Public Buildings, Property, and Works.

§ 293a. Conveyance of school properties to local school districts or public agencies.

The Secretary of the Interior, or his authorized representative, is authorized to convey to State or local governmental agencies or to local school authorities all the right, title, and interest of the United States in any land and improvements thereon and personal property used in connection therewith heretofore or hereafter used for Federal Indian school purposes and no longer needed for such purposes: *Provided*, That the consent of the beneficial owner shall be obtained before the conveyance of title to land held by the United States in trust for an individual Indian or Indian tribe: *Provided further*, That no more than fifty acres of land shall be transferred under the terms of this section in connection with any single school property conveyed to State or local governmental agencies or to local school authorities. Any conveyance under this section shall reserve all mineral deposits in the land and the right to prospect for and remove such deposits under rules and regulations prescribed by the Secretary of the Interior, shall require the property to be used for school or other public purposes, and shall require the property to be available to Indians and non-Indians on the same terms unless otherwise approved by the Secretary of the Interior. If at any time the Secretary of the Interior determines that the grantee of any such lands, improvements, and personal property has failed to observe the provisions of the transfer agreement and that the failure has continued for at least one year, he may declare a forfeiture of the conveyance and the title conveyed shall thereupon revert to the United States. Such determination by the Secretary of the Interior shall be final. If the grantee of such land fails for a period of one year to observe the provisions of the transfer agreement and the Secretary of the Interior fails to declare a forfeiture of the conveyance, the former beneficial owner, if an individual Indian or an Indian tribe, may petition the United States District Court for the district where the land is located to declare a forfeiture of the conveyance and to vest the title in the United States, in the same trust status as previously existed. (June 4, 1953, ch. 98, 67 Stat. 41; May 16, 1957, Pub. L. 85–31, 71 Stat. 29; Mar. 16, 1962, Pub. L. 87–417, 76 Stat. 33.)

AMENDMENTS

1962—Pub. L. 87–417 increased land conveyance limitation from twenty to fifty acres.

1957—Pub. L. 85–31 added last sentence to allow the former beneficial owner, if an Indian or Indian tribe, to petition for declaration of forfeiture of conveyance where grantee has failed for period of one year to observe provisions of transfer agreement and Secretary has not declared forfeiture.

§ 294. Sale of certain abandoned buildings on lands belonging to Indian tribes.

The Secretary of the Interior is authorized to sell and convey at public sale, to the highest bidder, under such regulations and under such terms and conditions as he may prescribe, at not less than the appraised value thereof, any abandoned day or boarding school plant, or any abandoned agency buildings, situated on lands belonging to any Indian tribe and not longer needed for Indian or administrative purposes, and to sell therewith not to exceed one hundred and sixty acres of land on which such plant or buildings may stand. Title to all lands disposed of under the provisions of this section shall pass to the purchaser by deed or by patent in fee, with such reservations or conditions as the said Secretary may deem just and proper, no purchaser to acquire more than one hundred and sixty acres in any one tract: *Provided*, That the proceeds of all such sales shall be deposited in the Treasury of the United States to the credit of the Indians to whom said lands belong, to be disposed of in accordance with existing law. (Feb. 14, 1920, ch. 75, § 1, 41 Stat. 415.)

§ 295. Supervision of expenditure of appropriations for school purposes.

All expenditure of money appropriated for school purposes among the Indians shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior. (Apr. 30, 1908, ch. 153, 35 Stat. 72.)

CODIFICATION

Act Apr. 30, 1908 embodied restrictions as to the amount which might be expended for the annual support and education of any one pupil and specified the method for determining the number of pupils in any school entitled to the per capita allowance provided for by the act.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with certain exceptions, transferred to the Secretary of the Interior, with powers vested in him to authorize their performance or the performance of any of his functions by any of those offices, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SCHOOL AND EMPLOYMENT TRANSPORTATION

Separate appropriations for collection and transportation of pupils to and from Indian schools, etc., with a proviso that a specified part of the amount so appropriated may be used in placing Indian youths in employment in industrial pursuits were made by the following appropriation acts:

1925—Mar. 3, 1925, ch. 462, 43 Stat. 1155.

1922—May 24, 1922, ch. 199, 42 Stat. 562.

§ 296. Repealed. Mar. 2, 1929, ch. 576, 45 Stat. 1534.

Section, act Apr. 30, 1908, ch. 153, 35 Stat. 72; act June 30, 1919, ch. 4, § 1, 41 Stat. 6; act Feb. 21, 1925, ch. 280, 43 Stat. 958, placed a limitation on per capita expenditure for school purposes.

SIMILAR PROVISIONS

Provisions similar to act June 30, 1919 were contained in the following prior appropriation acts:
1918—May 25, 1918, ch. 86, § 1, 40 Stat. 565.
1916—Sept. 7, 1916, ch. 455, 39 Stat. 741.

* * * * * * *

§ 298. Census of Indians and report of numbers of school children.

CODIFICATION

Section, act July 4, 1884, ch. 180, § 9, 23 Stat. 98, required Indian agents in their annual report to submit a census of Indians at the agency. Since 1908, there have been no Indian agents. See note to section 64 of this title.

§§ 299 to 301. Repealed. May 29, 1928, ch. 901, § 1, 45 Stat. 990, 991.

Sections, requiring certain annual reports to Congress by the Secretary of the Interior, were enacted as follows:
Section 299, act Mar. 2, 1887, ch. 320, § 1, 24 Stat. 465.
Sections 300–301, act, Mar. 3, 1911, ch. 210, § 1, 36 Stat. 1060.

§ 302. Indian Reform School; rules and regulations; consent of parents to placing youth in reform school.

The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is authorized and directed to select and designate some one of the schools or other institution herein specifically provided for as an "Indian Reform School", and to make all needful rules and regulations for its conduct, and the placing of Indian youth therein: *Provided*, That the appropriation for collection and transportation, and so forth, of pupils, and the specific appropriation for such school so selected shall be available for its support and maintenance: *Provided further*, That the consent of parents, guardians, or next of kin shall not be required to place Indian youth in said school. (June 21, 1906, ch. 3504, 34 Stat. 328.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with certain exceptions, transferred to the Secretary of the Interior, with powers vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 303. Educational loans to worthy youths.

CODIFICATION

Section, act Oct. 12, 1949, ch. 680, title I, § 101, 63 Stat. 776, was from the Department of Interior Appropriation Act, 1950, and was not repeated in the Department of Interior Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, ch. VII, title I, 64 Stat. 679. Similar provisions were contained in the following prior appropriation acts:
1948—June 29, 1948, 4:58 p.m., E.D.T., ch. 754, § 1, 62 Stat. 1123.
1947—July 25, 1947, ch. 337, § 1, 61 Stat. 470.
1946—July 1, 1946, ch. 529, § 1, 60 Stat. 361.
1945—July 3, 1945, ch. 262, § 1, 59 Stat. 326.

1944—June 28, 1944, ch. 298, § 1, 58 Stat. 472.
1943—July 12, 1943, ch. 219, § 1, 57 Stat. 459.
1942—July 2, 1942, ch. 473, § 1, 56 Stat. 516.
1941—June 28, 1941, ch. 259, § 1, 55 Stat. 315.
1940—June 18, 1940, ch. 395, § 1, 54 Stat. 417.
1939—May 10, 1939, ch. 119, § 1, 53 Stat. 698.
1938—May 9, 1938, ch. 187, § 1, 52 Stat. 303.

§ 304. South Dakota Indians; State course of study.

On and after July 1, 1950, the course of study taught in any school operated and maintained by the Bureau of Indian Affairs on any Indian reservation in the State of South Dakota shall, upon a majority decision of the parents of children enrolled therein voting at a meeting called for that purpose by the superintendent of the reservation, meet the minimum education requirements prescribed by the department of public instruction for the public schools of that State. (Sept. 7, 1949, ch. 566, 63 Stat. 694.)

§ 304a. Study and investigation of Indian education in United States and Alaska; contracts; report to Congress; appropriations.

The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Indian Affairs, is authorized and directed to conduct a study and investigation of Indian education in the continental United States and Alaska, including a study and investigation of (1) the education problems of Indian children from non-English speaking homes, and (2) the possibility of establishing a more orderly, equitable, and acceptable program for transferring Indian children to public schools.

The Secretary, in carrying out the provisions of this section, is authorized to enter into contracts in accordance with the provisions of sections 452 to 455 of this title.

Not later than two years after funds are made available to carry out the purposes of this section, the Secretary shall submit to the Congress a complete report of the results of such study and investigation, together with such recommendations as he deems desirable.

There are authorized to be appropriated such sums as may be necessary for carrying out the purposes of this section. (July 14, 1956, ch. 588, §§ 1—4, 70 Stat. 531.)

REFERENCES IN TEXT

Section 455 of this title, included within the references to sections 452—455 of this title, was repealed by Pub. L. 86-533, § 1(15), June 29, 1960, 74 Stat. 248.

CODIFICATION

Section is composed of sections 1—4 of joint resolution July 14, 1956.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959 upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 304b. Deposits of funds of students and student activity associations in Indian schools.

The Secretary of the Interior may authorize officials or employees of the Bureau of Indian Affairs to accept and to disburse deposits of

funds of students and student activity associations in schools operated by the Bureau of Indian Affairs in accordance with the purposes of such deposits. Such deposits and disbursements shall be accounted for under rules and regulations prescribed by the Secretary of the Interior. (Pub. L. 86-16, Apr. 27, 1959, 73 Stat. 20.)

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UNITED STATES CODE, TITLE 25—INDIANS

CHAPTER 14—MISCELLANEOUS

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INDIANS OF ALASKA

* * * * * * *

§ 497. Reservation of tracts for schools, hospitals, etc.

The Secretary of the Interior is authorized, in his discretion, to withdraw and permanently reserve small tracts of not to exceed six hundred and forty acres each of the public domain in Alaska for schools, hospitals, and such other purposes as may be necessary in administering the affairs of the Indians, Eskimos, and Aleuts of Alaska: *Provided*, That such withdrawals shall be subject to any valid existing rights. (May 31, 1938, ch. 304, 52 Stat. 593.)

* * * * * * *

KLAMATH TRIBE: DISPOSITION OF CERTAIN TRIBAL FUNDS

§ 541. Creation of individual credits; authorized purchases.

The Secretary of the Interior is authorized and directed from the judgment fund of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians created as the result of the passage of the Act of June 25, 1938, and accrued interest thereon, to credit the sum of $2,000 upon the books of the Office of Indian Affairs, to each person determined by the Secretary of the Interior to be entitled to enrollment upon the annuity roll of said tribes of the Klamath Reservation, Oregon, living on August 7, 1939. The share of each adult member and not to exceed $1,500 of the share of any minor shall be available for expenditure, under such rules and regulations as the Secretary of the Interior may prescribe, for the following purposes:

Purchase of land; improvement of lands acquired or already held by the Indian; erection and improvement of suitable homes; repayment of any loans received from the United States or from the Klamath tribal funds; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting; and health purposes: *Provided, however*, That the funds of the aged, infirm, decrepit, and incapacitated members, and of minors, may be used for their proper maintenance and support. The remainder of the share of each minor Indian shall be held intact until such Indian reaches his majority, when it, together with interest at the rate of 4 per

centum per annum, shall be available for expenditure for the purposes specified herein. As herein used, the term "minor" shall include all members of the tribe less than twenty-one years of age, except that minors eighteen years of age or over and who are married or have families of their own to support, shall be regarded as adults. On the death of any enrolled member, adult, or minor, the sum on deposit to his credit shall be distributed as personal property, and shall be available for expenditure by the distributees only for the purposes herein authorized: *Provided, however*, That of the aforesaid $2,000 to be prorated to each person, $100 shall be paid to each member of said tribes as a per capita payment, free from the aforesaid restrictions, under rules and regulations prescribed by the Secretary of the Interior. (Aug. 7, 1939, ch. 552, § 1, 53 Stat. 1252.)

REFERENCES IN TEXT

Reference in text to "Act of June 25, 1938," was probably intended to be to the Second Deficiency Appropriation Act, fiscal year 1938, act June 25, 1938, ch. 681, § 203(a), 52 Stat. 1156. Section 203(a) of that act provided for an appropriation for payment of judgments rendered by the court of claims and reported to the 75th Congress in Senate Document Numbered 191, and House Documents Numbered 661 and 686; House Document No. 681 listed a judgment in favor of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians in the sum of $5,313,347.32, with interest on a part thereof to date of payment, for the taking of land.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 542, 543, 544 of this title.

* * * * * * *

§ 544. Creation of individual credits; authorized purchases.

The Secretary of the Interior be, and he is, authorized and directed, from the capital reserve fund deposited in the Treasury of the United States to the credit of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians (hereinafter referred to as the "Klamath Tribes"), said fund being established pursuant to sections 530 to 535, of this title, as augmented by the proceeds of the judgment fund of the Klamath Indians as provided in sections 541 to 543 of this title, to credit the sum of $500 upon the books of the Office of Indian Affairs, to each person determined by the Secretary of the Interior to be entitled to enrollment upon the annuity roll of said tribes on the Klamath Reservation, Oregon, living upon March 29, 1948. The share of each adult member of the credit so established shall be available for expenditure under such rules and regulations as the Secretary of the Interior may prescribe, for the following purposes:

Purchase of land or interests in land; improvement of lands acquired or already held by the Indian; erection and improvement of suitable homes including household equipment and furnishings; repayment of any loans received from the United States or from the

Klamath tribal funds; purchase of building material, feed, seed, and grain; purchase or rehabilitation and repair of farming equipment, tools, trucks, tractors, machinery, and implements; and purchase of any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education and adult education, as will enable them to become self-supporting; and health, including dental work: *Provided, however*, That the funds of the aged, infirm, decrepit, and incapacitated members may be used for their proper maintenance and support: *Provided, however*, That during minority the share of each minor Indian shall be available for expenditure only for his education and for health purposes, including dental work, except that in an emergency expenditure of a minor Indian's share may be made for any of the purposes specified in this section and section 545 of this title. As used in this section, the term "minor" shall include all members of the tribe who have not attained the age of twenty-one years, except that minors eighteen years of age or over and who are married or have families of their own to support, shall be regarded as adults. On the death of any enrolled member, adult or minor, the sum on deposit to his credit shall be distributed as personal property, and shall be available for expenditure by the distributees only for the purposes authorized in this section and section 545 of this title: *And provided further*, That each member of the Klamath Tribes honorably discharged from service to the United States in its armed forces shall, upon application to the Commissioner of Indian Affairs, be paid $200 in cash, free from the aforesaid restrictions and in addition to the $500 to be credited to such member as provided in this section. (Mar. 29, 1948, ch. 160, § 2, 62 Stat. 92.)

REFERENCES IN TEXT

Sections 531—535, included within the reference in text to sections 530—535 of this title, were repealed by act Aug. 13, 1954, ch. 732 § 12, 68 Stat. 721.

SHORT TITLE

Congress in enacting sections 544 and 545 of this title provided by section 1 of act Mar. 29, 1948, that they should be popularly known as the "Klamath Welfare Act."

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 545 of this title.

§ 545. Liability of judgment funds for debts.

In no event shall any portion of the funds directed to be credited and paid become liable, payable, or subject to any debt or debts contracted prior to the passage of this section and section 544 of this title by any Indian of the Klamath Tribe, except debts to the United States or to the tribe. (Mar. 29, 1948, ch. 160 § 3, 62 Stat. 93.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 544 of this title.

* * * * * * *

§ 553. Same; deposit and expenditure of payments.

The payments authorized by sections 551 to 556 of this title shall be deposited to the credit of the individual Indian money accounts of such Indians subject to expenditure by such Indians, under such rules and regulations as the Secretary of the Interior may prescribe for (1) industrial and agricultural assistance, and the construction and improvement of homes, including the purchase of land and interests in land, building material, farming equipment, industrial equipment, trucks, livestock, feed, food, seed, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in the farming, livestock industry, or such other industrial or agricultural pursuits or avocations as will enable them to become self-supporting; (2) the educational advancement of such Indians; (3) financial assistance in cases of illness, death, or other emergency; (4) the repayment of reimbursable debts previously contracted; or (5) security for or the repayment of loans made to such Indians from any Klamath revolving loan fund now existent or which shall hereafter be created. (June 1, 1938, ch. 310, § 3, 52 Stat. 605.)

REFERENCES IN TEXT

Section 555, included within the reference in text to sections 551–556 of this title, was repealed by act Aug. 13, 1954, ch. 732, § 9 (c), 68 Stat. 721, and is now covered by section 564h of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 542, 551 of this title.

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KLAMATH TRIBE: TERMINATION OF FEDERAL SUPERVISION

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§ 564q. Termination of Federal trust.

(a) Publication; termination of Federal services; application of Federal and State laws.

Upon removal of Federal restrictions on the property of the tribe and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribe and its members has terminated. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians and, except as otherwise provided in sections 564 to 564w–1 of this title, all statutes of the United States which effect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

(b) Citizenship status unaffected.

(b) Nothing in sections 564 to 564w–1 of this title shall affect the status of the members of the tribe as citizens of the United States. (Aug. 13, 1954, ch. 732, § 18, 68 Stat. 722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 564, 564a, 564b, 564d, 564f, 564j, 564l, 564m, 564n, 564o, 564p, 564r, 564s, 564t, 564u, 564v, 564w, 564w–1, 564x of this title.

* * * * * * *

§ 564w. Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs.[1]

Prior to the issuance of a proclamation in accordance with the provisions of section 564q of this title, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it. (Aug. 13, 1954, ch. 732, § 26, 68 Stat. 723.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 564, 564a, 564b, 564d, 564f, 564j, 564l, 564m, 564n, 564o, 564p, 564q, 564r, 564s, 564t, 564u, 564w–1, 564x of this title.

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SHOSHONE TRIBE; DISTRIBUTION OF JUDGMENT FUND

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§ 572. Payments to individuals; expenditure of payments.

There shall be credited on the books of the Office of Indian Affairs the sum of $2,450 to each member of said tribe whose name appears on the roll provided for in section 571 of this title, and out of such sum so credited the Secretary of the Interior is authorized to make available immediately to each individual member of the tribe the sum of $100; and, under such rules and regulations as he may prescribe, the sum of $1,350 to each adult and the sum of $500 to each minor for the following purposes: Purchase of land, improvement of lands to be acquired or already held by the Indian, for the erection and improvement of suitable homes, the purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting: *Provided, however*, That the funds of the aged, infirm, decrepit, and incapacitated members may be used for their proper maintenance and support in the discretion of the Secretary of the Interior. The

[1] Effective date of termination Aug. 13, 1961.

remainder of the share of each adult individual Indian, including accrued interest, shall be made available under such rules and regulations as the Secretary of the Interior may prescribe, and the remainder of the share of each minor Indian shall, with accrued interest, be held intact until such Indian reaches the age of eighteen years, when it shall be available under the same conditions as herein provided for adults. As herein used the term "adult" shall include the members of the tribe eighteen years of age or over, and the term "minor" shall include all members less than eighteen years of age. On the death of any enrolled member, adult or minor, the sum on deposit to his credit shall be available for expenditure for the benefit of his heirs for the purposes herein authorized. (July 27, 1939, ch. 387, § 2, 53 Stat. 1128.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of the Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 573, 575 of this title.

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SHOSHONE AND ARAPAHO TRIBES OF WYOMING

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§ 613. Advances or expenditures from tribal funds; emergency and educational loans; payments to individuals of tribes; per capita payments not subject to liens or claims; exception.

Notwithstanding any other provision of existing law, the trust funds credited to the Shoshone Tribe and the Arapaho Tribe, respectively, under the provisions of sections 611 to 613 of this title shall be available for expenditure or for advance to the tribes for such purposes as may be requested by the business council of the tribe concerned and approved by the Secretary of the Interior, or such official as may be designated by him: *Provided*, That the Secretary of the Interior is directed to make available out of the trust funds of the Shoshone Tribe the sum of $7,500 for the purpose of making emergency and educational loans on the authority and responsibility of the Shoshone Tribe, through its business council, without liability to the United States and free from regulation or approval by the Secretary of the Interior: *Provided further*, That, commencing as soon after August 8, 1958 as the Secretary of the Interior determines may be practicable in order to change from the existing quarterly payment system, but not later than January 1, 1959, 85 per centum of said trust funds shall be paid per capita to the members of the respective tribes in equal monthly installments on the first day of each month, or as near thereto as practicable, or with the approval of the Secretary of the Interior, at such more frequent intervals as the tribes may request. The amount of the monthly payments during any one calendar year shall be deter-

63-794—76——8

mined by the Secretary of the Interior on the basis of estimated anticipated income for that calendar year: *Provided further*, That the Secretary may increase or decrease the amount of the monthly payments in the light of actual receipts during the calendar year, and in order to avoid the omission of a payment or a reduction in the amount that would cause unnecessary hardship the Secretary may permit the total monthly payments for a year to exceed 85 per centum of the actual receipts for that year and deduct the excess from the receipts of the following or succeeding years before determining the amount of the monthly payments for such succeeding years: *Provided further*, That said per capita payments shall not be subject to any lien or claim of any nature against any of the members of said tribes unless the business council of such member shall consent thereto in writing, except as to reimbursable Treasury loans made to individual members of either tribe which may be due to the United States, and except as to irrigation charges owed by individual Indians to the United States with respect to lands for which water is requested and received by said individual Indians, and with respect to lands that are determined by the Secretary of the Interior to be properly classified under existing law on the basis of the survey undertaken by the Secretary after the amendment of this section on July 25, 1956 (70 Stat. 642): *Provided further*, That quarterly per capita payments under sections 611 to 613 of this title shall continue without interruption until the monthly per capita payments are put into effect on or before January 1, 1959. (May 19, 1947, ch. 80, § 3, 61 Stat. 102; Aug. 31, 1951, ch. 367, § 2, 65 Stat. 209; July 17, 1953, ch. 223, 67 Stat. 179; Aug. 9, 1955, ch. 638; 69 Stat. 557; July 25, 1956, ch. 723, § 1, 70 Stat. 642; Aug. 8, 1958, Pub. L. 85-610, § 2, 72 Stat. 541.)

AMENDMENTS

1958—Pub. L. 85-610 substituted "business council" for "tribal council", to authorize $7,500 for emergency and educational loans, permitted monthly payments instead of quarterly payments and allowed for payments at more frequent intervals if the tribes so request, required the Secretary to determine the amount of monthly payments during any calendar year on the basis of estimated anticipated income for that calendar year, provided for increases and decreases in monthly payments and omitted provisions which related to authority of the Secretary to protect and conserve funds payable to minors and incompetents.

1956—Act July 25, 1956, increased per capita payments from 80 to 85 percent, extended the period of payments from May 19, 1957, to May 19, 1959, subjected the per capita payments to irrigation charges with respect to lands that are determined by the Secretary of the Interior to be properly classified under existing law on the basis of a survey, and inserted provisions relating to authority of the Secretary to protect and conserve funds payable to minors and incompetents.

1955—Act Aug. 9, 1955, permitted quarterly per capita payments instead of semiannual payments.

1953—Act July 17, 1953, increased the per capita distribution from two-thirds to 80 per centum.

1951—Act Aug. 30, 1951, substituted "ten" for "five" preceding "years" in first proviso.

PER CAPITA PAYMENTS AFTER MAY 19, 1959

Section 2 of act July 25, 1956, requested the Secretary of the Interior to report to Congress before January 1, 1958, in order to determine the conditions under which per capita payments could be authorized after May 19, 1959, (1) recommendations regarding any new authority, if any, needed to protect adequately the interests of minors and incompetent Indians, (2) the results of a survey

and reclassification of the lands that should be removed from the irrigation project, and (3) the adequacy of the tribal contribution to the cost of administering the reservation.

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NAVAJO AND HOPI TRIBES: REHABILITATION

§ 631. Basic program for conservation and development of resources; projects; appropriations.

In order to further the purposes of existing treaties with the Navajo Indians, to provide facilities, employment, and services essential in combating hunger, disease, poverty, and demoralization among the members of the Navajo and Hopi Tribes, to make available the resources of their reservations for use in promoting a self-supporting economy and self-reliant communities, and to lay a stable foundation on which these Indians can engage in diversified economic activities and ultimately attain standards of living comparable with those enjoyed by other citizens, the Secretary of the Interior is authorized and directed to undertake, within the limits of the funds from time to time appropriated pursuant to sections 631 to 640 of this title, a program of basic improvements for the conservation and development of the resources of the Navajo and Hopi Indians, the more productive employment of their manpower, and the supplying of means to be used in their rehabilitation, whether on or off the Navajo and Hopi Indian Reservations. Such program shall include the following projects for which capital expenditures in the amount shown after each project listed in subsections (1)—(14) of this section and totaling $108,570,000 are authorized to be appropriated:

(1) Soil and water conservation and range improvement work, $10,000,000.

(2) Completion and extension of existing irrigation projects, and completion of the investigation to determine the feasibility of the proposed San Juan-Shiprock irrigation project, $9,000,000.

(3) Surveys and studies of timber, coal, mineral, and other physical and human resources, $500,000.

(4) Development of industrial and business enterprises, $1,000,000.

(5) Development of opportunities for off-reservation employment and resettlement and assistance in adjustments related thereto, $3,500,000.

(6) Relocation and resettlement of Navajo and Hopi Indians (Colorado River Indian Reservation), $5,750,000.

(7) Roads and trails, $40,000,000; of which not less than $20,000,000 shall be (A) available for contract authority for such construction and improvement of the roads designated as route 1 and route 3 on the Navajo and Hopi Indian Reservations as may be necessary to bring the portion of such roads located in any State up to at least the secondary road standards in effect in such State, and (B) in addition to any amounts expended on such roads under the $20,000,000 authorization provided under this clause prior to amendment."

(8) Telephone and radio communications systems, $250,000.

(9) Agency, institutional, and domestic water supply, $2,500,000.

(10) Establishment of a revolving loan fund, $5,000,000.

(11) Hospital buildings and equipment, and other health conservation measures, $4,750,000.

(12) School buildings and equipment, and other educational measures, $25,000,000.

(13) Housing and necessary facilities and equipment, $820,000.

(14) Common service facilities, $500,000.

Funds so appropriated shall be available for administration, investigations, plans, construction, and all other objects necessary for or appropriate to the carrying out of the provisions of sections 631 to 640 of this title. Such further sums as may be necessary for or appropriate to the annual operation and maintenance of the projects herein enumerated are also authorized to be appropriated. Funds appropriated under these authorizations shall be in addition to funds made available for use on the Navajo and Hopi Reservations, or with respect to Indians of the Navajo Tribes, out of appropriations heretofore or hereafter granted for the benefit, care, or assistance of Indians in general, or made pursuant to other authorizations now in effect. (Apr. 19, 1950, ch. 92, § 1, 64 Stat. 44; Aug. 23, 1958, Pub. L. 85-740, 72 Stat. 834.)

AMENDMENTS

1958—Pub. L. 85-740 substituted $108,570,000 for $88,570,000 in opening par., and, in clause (7), increased from $20,000,000 to $40,000,000 the amount authorized for roads and trails, of which not less than $20,000,000 shall be available for contract authority to bring routes 1 and 3 on the Navajo and Hopi Indian reservations up to secondary road standards in the State.

CONTRACT AUTHORITY; APPROPRIATIONS

Pub. L. 85-740 provided in part that the contract authority and appropriations authorized by the amendment to clause (7) of this section shall be in addition to sums apportioned to Indian reservations or to the State of Arizona under the Federal Highway Act, as amended and supplemented.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 632, 633, 634, 636, 638, 640 of this title.

§ 632. Character and extent of administration; time limit; reports on use of funds.

The foregoing program shall be administered in accordance with the provisions of sections 631 to 640 of this title and existing laws relating to Indian affairs, shall include such facilities and services as are requisite for or incidental to the effectuation of the projects herein enumerated, shall apply sustained-yield principles to the administration of all renewable resources, and shall be prosecuted in a manner which will provide for completion of the program, so far as practicable, within ten years from April 19, 1950. An account of the progress being had in the rehabilitation of the Navajo and Hopi Indians, and of the use made of the funds appropriated to that end under said sections, shall be included in each annual report of the work of the Department of the Interior submitted to the Congress during the period covered by the foregoing program. (Apr. 19, 1950, ch. 92, § 2, 64 Stat. 45.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 631, 633, 636, 638, 640 of this title.

§ 633. Preference in employment; on-the-job training.

Navajo and Hopi Indians shall be given, whenever practicable preference in employment on all projects undertaken pursuant to sections 631 to 640 of this title, and, in furtherance of this policy may be given employment on such projects without regard to the provisions of the civil-service and classification laws. To the fullest extent possible, Indian workers on such projects shall receive on-the-job training in order to enable them to become qualified for more skilled employment. (Apr. 19, 1950, ch. 97, § 3, 64 Stat. 45.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are classified generally to Title 5, Government Organization and Employees.

The classification laws, referred to in text, are classified to chapter 51 and subchapter III of chapter 53 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 631, 632, 636, 638, 640 of this title.

§ 634. Loans to Tribes or individual members; loan fund.

The Secretary of the Interior is authorized, under such regulations as he may prescribe, to make loans from the loan fund authorized by section 631 of this title to the Navajo Tribe, or any member or association of members thereof, or to the Hopi Tribe, or any member or association of members thereof, for such productive purposes as, in his judgment, will tend to promote the better utilization of the manpower and resources of the Navajo or Hopi Indians. Sums collected in repayment of such loans and sums collected as interest or other charges thereon shall be credited to the loan fund, and shall be available for the purpose for which the fund was established. (Apr. 19, 1950, ch. 92, § 4, 64 Stat. 45.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred in sections 631, 632, 633, 636, 638, 640 of this title.

§ 635. Disposition of lands.

(a) Lease of restricted lands; renewals.

Any restricted Indian lands owned by the Navajo Tribe, members thereof, or associations of such members, or by the Hopi Tribe, members thereof, or associations of such members, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, or business purposes, including the development or utilization of natural resources in connection with operations under such leases. All leases so granted shall be for a term of not to exceed twenty-five years, but may include provisions authorizing their renewal for an additional term of not to exceed twenty-five years, and shall be made under such regulations as may be prescribed by the Secretary. Restricted allotments of deceased Indians may be leased under this section, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in sec-

tion 380 of this title. Nothing contained in this section shall be construed to repeal or affect any authority to lease restricted Indian lands conferred by or pursuant to any other provision of law.

(b) Lease, sale, or other disposition of lands owned in fee simple by Navajo Tribe.

Notwithstanding any other provision of law, land owned in fee simple by the Navajo Tribe may be leased, sold, or otherwise disposed of by the sole authority of the Navajo Tribal Council, in any manner that similar land in the State in which such land is situated may be leased, sold, or otherwise disposed of by private landowners, and such disposition shall create no liability on the part of the United States.

(c) Transfer of unallotted lands to tribally owned or municipal corporations.

The Secretary of the Interior is authorized to transfer, upon request of the Navajo Tribal Council, to any corporation owned by the tribe and orgnized pursuant to State law, or to any municipal corporation organized under State law, legal title to or a leasehold interest in any unallotted lands held for the Navajo Indian Tribe, and thereafter the United States shall have no responsibility or liability for, but on request of the tribe shall render advice and assistance in, the management, use, or disposition of such lands. (Apr. 19, 1950, ch. 92, § 5, 64 Stat. 46; June 11, 1960, Pub. L. 86-505, § 1, 74 Stat. 199.)

AMENDMENTS

1960—Pub. L. 86-505 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 631, 632, 633, 636, 638, 640 of this title.

§ 636. Adoption of constitution by Navajo Tribe; method; contents.

In order to facilitate the fullest possible participation by the Navajo Tribe in the program authorized by sections 631 to 640 of this title, the members of the tribe shall have the right to adopt a tribal constitution in the manner herein prescribed. Such constitution may provide for the exercise by the Navajo Tribe of any powers vested in the tribe or any organ thereof by existing law, together with such additional powers as the members of the tribe may, with the approval of the Secretary of the Interior, deem proper to include therein. Such constitution shall be formulated by the Navajo Tribal Council at any regular meeting, distributed in printed form to the Navajo people for consideration, and adopted by secret ballot of the adult members of the Navajo Tribe in an election held under such regulations as the Secretary may prescribe, at which a majority of the qualified votes cast favor such adoption. The constitution shall authorize the fullest possible participation of the Navajos in the administration of their affairs as approved by the Secretary of the Interior and shall become effective when approved by the Secretary. The constitution may be amended from time to time in the same manner as herein provided for its adoption, and the Secretary of the Interior shall approve any amendment which in the opinion of the Secretary of the Interior

advance the development of the Navajo people toward the fullest realization and exercise of the rights, privileges, duties, and responsibilities of American citizenship. (Apr. 19, 1950, ch. 92, § 6, 64 Stat. 46).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 631, 632, 633, 638, 640 of this title.

§ 637. Use of Navajo tribal funds.

Notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter placed to the credit of the Navajo Tribe of Indians in the United States Treasury shall be available for such purposes as may be designated by the Navajo Tribal Council and approved by the Secretary of the Interior. (Apr. 19, 1950, ch. 92, § 7, 64 Stat. 46.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 631, 632, 633, 636, 638, 640 of this title.

§ 638. Participation by Tribal Councils; recommendations.

The Tribal Councils of the Navajo and Hopi Tribes and the Indian communities affected shall be kept informed and afforded opportunity to consider from their inception plans pertaining to the program authorized by sections 631 to 640 of this title. In the administration of the program, the Secretary of the Interior shall consider the recommendations of the tribal councils and shall follow such recommendations whenever he deems them feasible and consistent with the objectives of said sections. (Apr. 19, 1950, ch. 92, § 8, 64 Stat. 46.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 631, 632, 633, 636, 640 of this title.

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INDIANS OF CALIFORNIA

* * * * * * *

§ 656. Judgment amount deposited in Treasury to credit of Indians; interest rate; use of fund.

The amount of any judgment shall be placed in the Treasury of the United States to the credit of the Indians of California and shall draw interest at the rate of 4 per centum per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians: *Provided*, That the Secretary of the Treasury is authorized and directed to pay to the State of California, out of the proceeds of the judgment when appropriated, the amount decreed by the court to be due said State, as provided in section 655 of this title. (May 18, 1928, ch. 624, § 6, 45 Stat. 603.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 651, 654, 655, 658, 659 of this title.

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WESTERN OREGON INDIANS: TERMINATION OF FEDERAL SUPERVISION

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§ 703. Termination of Federal trust.[1]

(a) Publication; termination of Federal services; application of Federal and State laws.

Upon removal of Federal restrictions on the property of each tribe and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribe and its members has terminated. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians, excluding statutes that specifically refer to the tribe and its members, shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

(b) Citizenship status unaffected.

Nothing in sections 691 to 708 of this title shall affect the status of the members of a tribe as citizens of the United States.

(c) Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs.

Prior to the issuance of a proclamation in accordance with the provisions of this section, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it. (Aug. 13, 1954, ch. 733, § 16, 68 Stat. 727.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 691, 692, 693, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708 of this title.

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ALABAMA AND COUSHATTA INDIANS OF TEXAS: TERMINATION OF FEDERAL SUPERVISION

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[1] Effective date of termination Aug. 18, 1956.

§ 722. Termination of Federal trust; publication; termination of Federal services; admission to hospitals and schools.

Upon the conveyance to the State of Texas of the lands held in trust by the United States for the Alabama and Coushatta Tribes of Texas, the Secretary of the Interior shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to such tribe and its members has terminated. Thereafter such tribe and its members shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians: *Provided*, That after August 21, 1954 such Indians shall be eligible for admission, on the same terms that apply to other Indians, to hospitals and schools maintained by the United States. (Aug. 23, 1954, ch. 831, § 2, 68 Stat. 769.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 723, 725, 726, 727, 728 of this title.

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PAIUTE INDIANS OF UTAH: TERMINATION OF FEDERAL SUPERVISION

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§ 760. Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs.[1]

Prior to the issuance of a proclamation in accordance with the provisions of section 757 of this title, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it. (Sept. 1, 1954, ch. 1207, § 23, 68 Stat. 1104.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 741 to 743, 749 to 755, 757 to 759 of this title.

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WYANDOTTE TRIBE OF OKLAHOMA: TERMINATION OF FEDERAL SUPERVISION

* * * * * * *

[1] Effective date of termination March 1, 1957.

§ 803. Termination of Federal trust.[1]

(a) Publication; termination of Federal services; application of Federal and State laws.

Upon removal of Federal restrictions on the property of the tribe and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribe and its members has terminated. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

(b) Citizenship status unaffected.

Nothing in sections 791 to 807 of this title shall affect the status of the members of the tribe as citizens of the United States.

(c) Education and training program; purposes; subjects; transportation; subsistence; contracts; other educational programs.

Prior to the issuance of a proclamation in accordance with the provisions of this section, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or persons. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it. (Aug. 1, 1956, ch. 843, § 13, 70 Stat. 896.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 791 to 793, 798 to 802, 804 to 807 of this title.

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PEORIA TRIBE OF OKLAHOMA: TERMINATION OF FEDERAL SUPERVISION

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§ 823. Termination of Federal trust and services.[2]

(a) Application of Federal and State laws.

The Federal trust relationship to the affairs of the Peoria Tribe and its members shall terminate three years after August 2, 1956, and thereafter individual members of the tribe shall not be entitled to

[1] Termination not effective.
[2] Effective date of termination Aug. 2, 1959.

any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians (including sections 501 to 509 of this title, and sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478, and 479 of this title) shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

(b) Citizenship status unaffected.

Nothing in sections 821 to 826 of this title shall affect the status of the members of the tribe as citizens of the United States.

(c) Education and training program; purposes; subjects; transportation; contracts; other educational programs.

Prior to the termination of the Federal trust relationship in accordance with the provisions of this section, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it. (Aug. 2, 1956, ch. 881, § 3, 70 Stat. 937.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 821, 824, 825, 826 of this title.

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OTTAWA TRIBE OF OKLAHOMA; TERMINATION OF FEDERAL SUPERVISION

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§ 818. Termination of Federal trust and services.[1]

(a) Application of Federal and State laws.

The Federal trust relationship to the affairs of the Ottawa Tribe and its members shall terminate three years after August 3, 1956, and thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians. All statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

[1] Effective date of termination Aug. 3, 1959.

(b) Citizenship status unaffected.

Nothing in sections 841 to 853 of this title shall affect the status of the members of the Ottawa Tribe as citizens of the United States.

(c) Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs.

Prior to the termination of the Federal trust relationship in accordance with the provisions of this section, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it. (Aug. 3, 1956, ch. 909, § 8, 70 Stat. 964.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 841, 844 to 847, 849 to 853 of this title.

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INDIANS OF OKLAHOMA

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§ 883. Osage Tribe; disposition of judgment fund

(a) Persons eligible for allotments; excepted sums.

The Secretary of the Interior is authorized and directed to distribute per capita to all persons whose names appear on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539), all funds which were appropriated by the Act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment that was obtained by the Osage Nation of Indians in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, except the sum of $1,000,000 and any funds that revert to the Osage Tribe and except the amount allowed for attorney fees and expenses and the cost of distribution.

(b) Education or other socioeconomic programs; advances, expenditures, investments, or reinvestments of excepted sums for financing such programs.

The sum of $1,000,000 plus any funds that revert to the Osage Tribe may be advanced, expended, invested, or reinvested for the purpose of financing an education program or other socioeconomic programs of benefit to the Osage Tribe of Indians of Oklahoma, such programs to be administered as authorized by the Secretary of the Interior.

(c) Withdrawal of funds for payment of costs of carrying out provisions.

The Secretary of the Interior may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of sections 883 to 883d of this title. (Pub. L. 92–586, § 1, Oct. 27, 1972, 86 Stat. 1295.)

REFERENCES IN TEXT

Act June 28, 1906 (34 Stat. 539), referred to in subsec. (a), provided for division of lands and funds of the Osage Indians of Oklahoma Territory and was not classified to the Code.

Act Jan. 8, 1971 (84 Stat. 1981), referred to in subsec. (a), means Pub. L. 91–665, the Supplemental Appropriations Act, 1971, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883c, 883d of this title.

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CATAWBA TRIBE OF SOUTH CAROLINA: DIVISION OF ASSETS

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§938. Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs.[1]

Prior to the revocation of the tribal constitution provided for in sections 931 to 938 of this title, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or persons. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it. (Pub. L. 86–322, § 8, Sept. 21, 1959, 73 Stat. 594.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 931 to 937 of this title.

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CHEYENNE-ARAPAHO INDIANS OF OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND

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§ 1162. Trust; education and scholarships; approval of agreement.

Five hundred thousand dollars of said funds shall be held in trust for the purpose of providing education and scholarships for members

[1] Effective date of termination July 1, 1962.

of said tribes pursuant to a trust agreement to be made and entered into by and between said tribes, as grantor, and a national banking association located in the State of Oklahoma, as trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior. (Pub. L. 90-117, § 2, Oct. 31, 1967, 81 Stat. 337.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1165 to 1167 of this title.